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federal register

Wednesday
June 9, 1982

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions and delegations of the Animal and Plant Health Inspection Service as it relates to the Deputy Administrator, Plant Protection and Quarantine, to specifically assign certain functional responsibilities under the Lacey Act Amendments of 1981 which pertains to the importation and exportation of certain plants.

EFFECTIVE DATE: June 9, 1982.

FOR FURTHER INFORMATION CONTACT: Jonn C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782 (301) 436–5591.

SUPPLEMENTARY INFORMATION: The statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service, is being amended to delegate to the Deputy Administrator, Plant Protection and Quarantine, the responsibility for administering the provisions of the Lacey Act Amendments of 1981 (16 U.S.C. 3401–3408) which pertain to the importation and exportation of certain plants. Plants protected by the Lacey Act Amendments of 1981 are any wild plants which are indigenous to any States which are either listed on (a) an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or (b) listed pursuant to any State Law that provides for the conservation of plants threatened with extinction. The Secretary has delegated this responsibility for administration of the Lacey Act Amendments of 1981 to the Assistant Secretary for Marketing and Inspection Services, who in turn has delegated such authority to the Administrator, Animal and Plant Health Inspection Service (47 FR 22935).

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impractical and contrary to public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provision of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR 371

Organization and functions (Government agencies).

PART 371—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 371.2 is amended by adding a new paragraph (c)(2)(xii) to read as follows:

§ 371.2 The Office of the Administrator.

* * * * *

(c) * * *

(2) * * *

(xii) Lacey Act Amendments of 1981 (16 U.S.C. 3401–3408).

* * * * *

Issued at Washington, D.C., this 2nd day of June, 1982.

James O. Lee, Jr.,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 82-15605 Filed 6-8-82; 8:45 am]
BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Creditable Advertising and Almond Butter

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the creditable advertising and almond butter provisions of the administrative rules and regulations established under the Federal marketing order for California almonds to: (1) Extend the time allotted to handlers of California almonds for submitting final claims and appropriate documentation in order to obtain credit for their advertising expenditures, and (2) revise the definition of "almond butter" as it applies to the disposition of reserve almonds.

EFFECTIVE DATE: June 9, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 202–447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 26 handlers.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register.** This action relaxes restrictions on handlers, and handlers should have the opportunity to utilize that increased flexibility as soon as possible.

Notice of this action was published in the April 22, 1982, issue of the **Federal Register** (47 FR 17299), and interested persons were afforded an opportunity to submit written comments. No comments were received.

This final rule revises §§ 981.441(g) and 981.466 of Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474; 46 FR 51602; 54921). This subpart is issued under the marketing agreement and Order No. 981 (7 CFR 981), both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based on a unanimous recommendation of the Almond Board of California, hereinafter referred to as the "Board" or "ABC", which works with USDA in administering the order.

Section 981.441(g) currently requires handlers to file claims and appropriate supporting documentation with the Board in order to obtain credit against their assessment obligations for advertising expenditures. Except as provided in § 981.441(b), each advertisement must be published, broadcast, or displayed during the crop year for which credit is requested, and claims must be filed no later than July 15 of the succeeding crop year. Each claim must be submitted on ABC Form 31 and accompanied by appropriate proof of performance by that date.

This final rule revises § 981.441(g) to allow handlers additional time to submit the appropriate documentation required to substantiate their advertising claims. The Board believes that the current July 15 deadline is unrealistic as handlers are often not able to obtain the necessary documentation by that time. The Board believes that changing the deadline for submitting proof of performance to October 15 will rectify this problem.

Under this revision, handlers are required to file preliminary claims on ABC Form 31 no later than July 15, stating that documentation will be submitted as expeditiously as possible, but no later than October 15. Handlers have until October 15 to file final claims on ABC Form 31 with the appropriate proof of performance.

Section 981.466 stipulates the specifications for almond butter as used in § 981.66(c) as an outlet for the disposition of reserve almonds. Section 981.466 currently defines "almond butter" as a "comminuted food product prepared by grinding roasted shelled almonds into a homogeneous plastic or semiplastic mass or liquid having practically no particles larger than 1/8 inch in any dimension".

This final rule revises this definition in two ways. First, the word "roasted" is deleted to allow for a "natural" almond butter made from unroasted almonds. Secondly, the words "practically no particles larger than 1/16 inch" are changed to "very few particles larger than 1/16 inch". This allows for a "chunky style" almond butter.

The Board believes that these changes will give handlers more flexibility to develop new uses and markets for almond butter and, thereby, help handlers to dispose of reserve almonds.

Information collection requirements contained in this regulation (§ 981.441(g)) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0581–0071.

List of Subjects in 7 CFR Part 981

Marketing agreements and Orders; Almonds; and California.

After consideration of all relevant matter presented, including that in the notice, the Board's recommendation, and other available information, it is further found that to amend §§ 981.441(g) and 981.466 will tend to effectuate the declared policy of the act.

Therefore, §§ 981.441(g) and 981.466 of Subpart—Adminstrative Rules and regulations are revised as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. Section 981.441(g) is revised to read as follows:

§ 981.441 Crediting for paid advertising.

* * * * *

(g) A handler must file a claim with the Board to obtain credit for an advertising expenditure. Except as provided in § 981.441(b), no credit shall be granted unless a preliminary claim is filed on or before July 15 of the succeeding crop year and a final claim is filed before October 15 of the succeeding crop year. Each preliminary claim must be filed on an ABC Form 31 (claim for advertising credit), stating that documentation will be submitted as expeditiously as possible, but no later than October 15. If this preliminary claim is not filed on or before July 15, there will be no consideration of the claim under any circumstances. Each final claim must be submitted on ABC Form 31 and accompanied by appropriate proof of performance as follows:

* * * * *

2. Section 981.466 is revised to read as follows:

§ 981.466 Almond butter

Almond butter as used in § 981.66(c) is hereby defined as a comminuted food product prepared by grinding shelled almonds into a homogeneous plastic or semiplastic mass or liquid having very few particles larger than 1/16 inch in any dimension.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-15616 Filed 6-8-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Field Service; Revised District Office Jurisdiction; Dallas, Tex.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule realigns the jurisdiction of the INS Dallas, Texas district office to include certain nearby counties in the State of Texas. The realignment benefits the Service by formally clarifying jurisdiction, and benefits the affected public by providing greater convenience in dealing with the Service.

EFFECTIVE DATE: June 9, 1982.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Telephone: (202) 633–3048;

For Specific Information: Anthony F. Lascaris, Program Analyst, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Telephone: (202) 633–5014.

SUPPLEMENTARY INFORMATION: This amendment to the Immigration and Naturalization Service, Statement of Organization, expands the jurisdiction of the Dallas, Texas district office to include certain counties in Texas and to delete the same counties from the jurisdiction of San Antonio, Texas district office. As revised, the jurisdiction of the Dallas, Texas district office now includes the following counties in north Texas: Callahan, Jones and Taylor. The same counties are removed from the jurisdiction of San Antonio, Texas district office. Taylor County contains the city of Abilene, which has a metropolitan population of

approximately 140,000 people. Persons residing in that city and the surrounding three counties in question must apply for naturalization through an examiner on detail to Abilene from San Antonio. They do not have the option of speeding the process by filing in San Antonio, since San Antonio is part of the Western District of Texas. In addition, aliens residing in the remaining ten counties, all of which lie within the Dallas area of jurisdiction, are required to file their petitions in Abilene with the San Antonio examiner. The change would not only result in a greater convenience to the public but would also allow easier access to the Abilene area and allow the Dallas district to handle the filing process by detail of an examiner rather than by call-in. Abilene is 186 miles from Dallas via Interstate Highway and 247 miles from San Antonio.

Aside from naturalization, other Service activities would benefit from the realignment. Abilene is located on Interstate Highway 20, which is used by Dallas investigations and detention personnel as the route to the Big Spring and Lubbock areas. By including these three counties within the Dallas jurisdiction area, economies in travel expenses would be gained through coverage of multiple population centers in one trip. There is no reason for San Antonio officers to travel in that direction other than to service the Abilene area.

Thorough examination of the former alignment reveals no sound political, logistical, or jurisdictional reason for its organization. It is estimated that the change would result in monetary savings in per diem and vehicle expenses in addition to the significant savings in the productivity of all affected branches.

Compliance with 5 U.S.C. 533 as to proposed rulemaking and delayed effective date is not required because the rule deals with Service organization and procedure and will be of benefit to the public.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities because it deals solely with jurisdiction of Service offices and has no adverse impact on the public.

This rule is exempt from the requirement of E.O. 12291 as provided for by section 1(a)(3) of the Executive Order because it relates to agency organization.

List of Subjects in 8 CFR Part 100

Administrative practice and procedure, Aliens, Authority delegation, Organization and functions.

Accordingly, Chapter 1 of Title 8 of the Code of the Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

In § 100.4, paragraphs (b) 14. and 20., are revised to read as follows:

§ 100.4 Field Service.

* * * * *

(b) * * *

14. *San Antonio, Texas.* The district office in San Antonio, Texas has jurisdiction over the following counties in the State of Texas: Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brazos, Brown, Burleson, Burnet, Caldwell, Calhoun, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmitt, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Irion, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Milam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Sterling, Sutton, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Williamson, Wilson, Zapata, Zavala.

* * * * *

20. *Dallas, Texas.* The district office in Dallas, Texas, has jurisdiction over the State of Oklahoma, and the following counties in the State of Texas: Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Collingsworth, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Leon, Limestone, Lipscomb, Lubbock, Lynn, Marion, Martin, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Red River, Roberts, Rockwall, Rusk, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Upshur, Van Zandt, Wheeler, Wichita, Willbarger, Wise, Wood, Yoakum, and Young.

* * * * *

(Sec. 103,66 Stat. 173 (8 U.S.C. 1103)

Dated: June 3, 1982.

Perry A. Rivkind,

Acting Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 82-15584 Filed 6-8-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 18 and 240

[T.D. ATF-104; Notice No. 384]

Reduction of the Regulatory Requirements on Producers of Volatile Fruit-Flavor Concentrate

Correction

In FR Doc. 82-14814 appearing on page 23920 in the issue of Wednesday, June 2, 1982, make the following correction:

On page 23920, in the **SUMMARY**, seventh line, "petition of abuse" should have read "pattern of abuse".

BILLING CODE 1505-01-M

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Notice Concerning Form TFR-625

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Rule related notice.

SUMMARY: This notice informs affected parties that Form TFR-625, "Report on Tangible Property in Which Iran Has an Interest," requirements for which were published as § 535.625 of the Iranian Assets Control Regulations at 47 FR 22361 (May 24, 1982), has been approved by the Office of Management and Budget. This notice also contains additional information clarifying the term "tangible property" for purposes of reporting on Form TFR-625.

EFFECTIVE DATE: June 7, 1982.

FOR FURTHER INFORMATION CONTACT: Loren Dohm, Chief, Census Unit, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0968.

Section 535.625 of the Iranian Assets Control Regulations, published on May 24, 1982, establishes the requirement that Form TFR-625, "Report on Tangible Property in Which Iran Has an Interest," be submitted to the Office of Foreign Assets Control by persons required to

report. In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3507, as noted when § 535.625 was published, the information collection requirements of Form TFR-625 are not effective until approval by the Office of Management and Budget (OMB) has been obtained. OMB has approved Form TFR-625, assigning it OMB number 1505-0056, and it is now effective. The expiration date is August 31, 1982.

Reports on Form TFR-625 are to be returned in duplicate to Unit 625, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, by July 1, 1982.

For purposes of reporting on Form TFR-625, the category of tangible property is not coterminous with the term "properties" as used in § 535.215 but is a narrower category. The term "tangible property" means personal property and realty. Examples of tangible property of which the Office is aware include aircraft, road building equipment, spare parts, housing units, and engines. Tangible property does not include certain other property or property interests such as bank deposits, commercial obligations, advance payments received, performance bonds or standby letters of credit and related § 535.568 accounts in favor of Iran.

In this regard, the requirement in the instruction for Form TFR-625 that all persons who reported property on Form TFR-615 report on Form TFR-625 applies only to persons who reported *real estate* on line 8, or *personal property* on line 9.a or 9.b of Part B of Form TFR-615. Such persons must report such property on Form TFR-625 and account for its disposition even if they no longer hold the property. Certain financial obligations are to be reported and described in Part B, Item 3.c, of Form TFR-625 only if tangible property has been reported in Part B, Items 3.a or b. Such items should be reported regardless of whether there exists a specific relationship between such obligations and the tangible assets reported in order to provide a comprehensive picture of the reporter's position with respect to Iran.

Dated: June 7, 1982.

Dennis M. O'Connell,

Director.

[FR Doc. 82-15725; Filed 6-7-82; 4:22 pm]

BILLING CODE 4810-25-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 82-2]

Recordation and Certification of Coin-Operated Phonorecord Players

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting amendments to § 201.16 of its regulations to reflect the new fees for recordation and certification of coin-operated phonorecord players in accordance with the final ruling of the Copyright Royalty Tribunal, January 5, 1981, is upheld by the U.S. Court of Appeals for the Seventh Circuit on April 16, 1982.

DATE: June 9, 1982.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Washington, D.C. 20559, Telephone (202) 287-8380.

SUPPLEMENTARY INFORMATION: Section 116 of title 17 of the United States Code (the Copyright Act) establishes conditions under which operators of coin-operated phonorecord players—commonly called "jukeboxes"—may obtain a compulsory license for the performance of nondramatic musical works.

A compulsory license permits the use of a copyrighted work without the consent of the copyrighted owner, if certain conditions are met and royalties are paid.

Section 116(b)(1)(A) of title 17 U.S.C. initially established the statutory royalty rate of $8 per jukebox per year (or $4 for each box on which performances were first made available after July 1). Section 804(a)(1) of the Copyright Act required the Copyright Royalty Tribunal to review the reasonableness of those rates during 1980, and to make adjustments as necessary to achieve the statutory objectives included in section 801(b)(1).

The Copyright Royalty Tribunal conducted rate adjustment proceedings involving all interested parties during 1980, and announced its final ruling on January 5, 1981. Copyright Royalty Tribunal 1980 Adjustment of the Royalty Rate for Coin-Operated Phonorecord Players, 46 FR 884 (1981). After full consideration of the issues and positions of the interested parties, the Tribunal determined that the royalty payable by jukebox operators to owners of copyrighted music should be $50 per jukebox per year, with the new fee schedule to be adopted in two stages, as follows;

$25 per jukebox per year in 1982 and 1983;

$50 per jukebox per year thereafter, with the fees subject to a cost of living adjustment on January 1, 1987.

The per box rate for jukeboxes that first perform works after July 1 of any year is one-half the applicable annual rate for that year.

This determination was appealed to the Seventh Circuit Court of Appeals, which recently upheld the Tribunal's adjusted rate schedule, effective January 1, 1982. *Amusement and Music Operators Ass'n. v. Copyright Royalty Tribunal,* No. 80-2837 (7th Cir. Apr. 16, 1982).

Section 116 of title 17 requires the Register of Copyrights to prescribe regulations governing compulsory license applications and the certificates to be affixed to licensed jukeboxes. Pending the ruling of the Seventh Circuit, the Copyright Office has accepted applications from, and issued jukebox certificates to, jukebox operators at the original $8 statutory rate. Some jukebox operators tendered payment at the $25 rate set by the Copyright Royalty Tribunal, and the Copyright Office accepted that fee.

Under the decision of the Seventh Circuit, jukebox operators must pay the $25 fee for 1982, if the yearly rate applies, or $12.50 if the half-year rate applies. Consequently, the Copyright Office is amending § 201.16 of its regulations [1] to reflect the new royalty fees, and to provide that on or before July 15, 1982, all jukebox operators who obtained certificates for jukeboxes in calendar year 1982 at the old rate of $8 must apply for supplemental certificates and pay the additional $17 fee for certification in 1982. Those operators who have already paid the $25 fee for 1982 should contact the Copyright Office and request a supplemental certificate at no cost. The Office will attempt to notify all operators of the need to pay the additional fee and/or obtain a supplemental certificate, as appropriate, but any operators who do not receive actual notice are not relieved of the

[1] Final regulations governing recordation of jukeboxes were first issued with an effective date of January 1, 1978 (42 FR 63779) following publication of a proposed regulation (42 FR 54840); a public hearing was held on October 25, 1977. (The Office adopted interim amendments to the regulations on August 23, 1978 (43 FR 37451) and final amendments on October 31, 1978 (43 FR 50678) and on December 20, 1978 (43 FR 59378).

obligation to obtain supplemental certificates. Supplemental certificates must be affixed to each jukebox within ten calendar days after the certificate is issued. Although the Office will accept late filings for supplemental certificates if a proper fee is paid, the Office takes no position on what effect a court may accord to such filings.

After the date of publication of this notice, the Copyright Office will not issue any more certificates for jukeboxes at the old royalty rates.

All of the amendments to the regulation are interpretive and are intended to reflect the final ruling of the Copyright Royalty Tribunal concerning the royalty rates for jukeboxes under the compulsory license of section 116 of the Copyright Act, as upheld by the Seventh Circuit Court of Appeals. The new royalty rates are effective January 1, 1982. Accordingly, the notice requirements of 5 U.S.C. 553 do not apply; the regulation is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612. The amendments are issued as final rules effective immediately and without a period for public comment. However, jukebox operators will have at least 30 days from the date of this notice to pay the additional royalty fee and obtain a supplemental certificate of recordation of a player.

List of Subjects in 37 CFR Part 201

Copyright; jukeboxes.

For the reasons set out in the preamble, Part 201 of Chapter II of Title 37 of the Code of Federal Regulations is amended as set forth below.

Final Amendments

Part 201 of 37 CFR, Chapter II, is amended:

§ 201.16 [Amended]

1. By revising § 201.16(b)(3) and (b)(4) (as adopted on January 1, 1978) and (b)(6)(i) (as adopted on December 20, 1978) to read as follows:

(b) * * *

(3) Each application shall be accompanied by a fee in the form of a certified check, cashier's check, or money order, in the following amount:

(i) $25 per player per year in 1982 and 1983;

(ii) $50 per player per year in 1984, 1985, and 1986;

(iii) $50 per player per year in 1987 and each year thereafter, subject to a cost of living adjustment as determined by the Copyright Royalty Tribunal;

(iv) One-half the applicable annual rate for each player on which performances of nondramatic musical works were made available for the first time after July 1 of any year.

(4) A single application may be submitted for multiple players owned or controlled by a particular operator if all the identifying information is given for each player and the proper aggregate fee is submitted for all players covered by the application. However, separate applications must be filed for players covered by the full-year fee and players covered by the half-year fee.

(5) * * *

(6)(i) Where an operator has recorded one or more players in the Copyright Office during a particular year, the Copyright Office will, during the month of December of that year, send to the operator, at the operator's last address shown in the records of the Licensing Division, a "Renewal Application for Recordation of Coin-Operated Phonorecord Players (Form JB/R)". The renewal application will be accompanied by a list of the players recorded by the operator in the Copyright Office earlier during that year; such list will contain the information provided by the operator in its earlier application or applications, and will be based on the assumption that such players were properly identified in the earlier application or applications. The renewal application may be used during the month of January of the immediately succeeding year, in lieu of an application on Form JB, to apply for a compulsory license to cover: (A) Players recorded during the previous year, and (B) any other players operated by the applicant. A renewal application on Form JB/R shall comply with paragraphs (b)(1) through (b)(4) of this section and the instructions accompanying the form; however, a renewal application on Form JB/R may not be used for players coverd by a half-year fee.

* * * * *

2. By revising § 201.16(c)(1) (as amended on January 1, 1978) to read as follows:

(c) *Certificate.* (1) After receipt of the prescribed form and fee, the Copyright Office will issue a certificate containing the information set forth in paragraphs (b)(1)(i) through (iv) and (b)(2) of this section, together with the date of issuance of the certificate and the date of expiration of the license. The date of expiration of the license will be December 31st of the year in which the certificate is issued. Certificates issued upon payment of a half-year fee will be valid only after July 1 of the year in which they are issued and will be so identified.

* * * * *

3. By revising § 201.16(f)(2) and (3) (as adopted on October 31, 1978) to read as follows:

(f) * * *

(2) In the case of an application that is received in the Copyright Office before June 1 of a particular year, and that is accompanied by a half-year fee for each player identified in the application, the Copyright Office will not issue certificates unless the application is accompanied or supplemented by a statement that performances will not be made available on such players until after July 1 of that year. The statement shall be in the form of a letter addressed to the Licensing Division of the Copyright Office, and shall be signed by the operator named in the application or the duly authorized agent of that operator. If a business entity is the operator, the signature or name shall be that of an officer if the entity is a corporation, or a partner if the entity is a partnership, and shall be accompanied by the organizational title of that person. The statement shall, for all purposes including section 116(b)(1)(B) of Title 17 of the United States Code, be considered a part of the application. The statement described in this paragraph shall not be required in the case of applications covering a particular year received in the Copyright Office after June 1 of that year. In any case, if performances are actually made available for the first time on any players covered by half-year fees on or before July 1 of that year, the Office's acceptance of the application and issuance of a certificate is not to be considered as relieving the operator from any legal consequences arising from the failure to pay the correct fee, and shall have only such effect as may be attributed to it by a court of competent jurisdiction.

(3) If an application received in the Copyright Office after July 1 of any year is accompanied by the prescribed full-year royalty fee for each player identified, the Copyright Office will assume without further inquiry that the application pertains to players on which performances were made available for the first time on or before July 1 of that year.

4. By revising § 201.16(g)(1)(iv) and (g)(3)(D) (as adopted on October 31, 1978) to read as follows:

(g) * * *

(1) * * *

(iv) Where an application was accompanied by payment of the prescribed yearly fee for each phonorecord player listed but, with respect to one or more such players, performances were actually made available for the first time after July 1 of

the year in which the application was filed. In this case the operator named in the application shall be entitled to a refund of any excess fee paid and the Copyright Office will issue a new certificate for each player subject to the half-year fee.

(2) * * *
(3) * * *
(i) * * *
(ii) * * *
(iii) * * *
(iv) * * *

(D) In the case of overpayment within the meaning of paragraph (g)(1)(iv) of this section, the request must be accompanied by an affidavit under the official seal of any officer authorized to administer oaths within the United States, or a statement in accordance with section 1746 of Title 28 of the United States Code, made and signed by the operator named in the application or the duly authorized agent of that operator in accordance with paragraph (b)(1)(vi) of this section. The affidavit or statement shall: aver that performances of nondramatic musical works were actually made available on the particular phonorecord player(s) for the first time after July 1 of the year covered by the application; give the exact date, including month, day, and year on which such performances were first made available and the location where that event took place; specifically identify the particular phonorecord player(s) involved by the same identifying information as given in the application; and include a brief explanation of the reason for the original submission of a full-year fee for those players.

* * * * *

5. By adding a new paragraph (h) to § 201.16 to read as follows:

(h) *Supplemental Certificates for 1982.* (1) In all cases, new supplemental certificates for 1982 must replace those issued prior to June 15, 1982. The Copyright Office will attempt to notify all jukebox operators who recorded a player in 1982 of the need to obtain supplemental certificates. Jukebox operators who for any reason are not notified are not relieved of their obligation to obtain supplemental certificates.

(i) Jukebox operators who were previously issued certificates for 1982 at the $8 rate must apply for supplemental certificates on a form prescribed by the Copyright Office and pay an additional $17 per player on or before July 15, 1982. The form shall be signed in the manner designated in paragraph (b)(vi) of this § 201.16 for original certificates. Copies of the form are free upon request to the Licensing Division, United States Copyright Office, Library of Congress, Washington, D.C. 20557.

(ii) Jukebox operators who have already submitted $25 fee should notify the Copyright Office to provide them with a supplemental certificate at no additional cost.

(2) Supplemental certificates must be affixed to each player within 10 days after the certificate is issued.

(3) Acceptance by the Copyright Office of applications for supplemental certificates after July 15, 1982, and issuance of corresponding certificates, is not to be considered as relieving the operator from any legal consequences arising from the late filing, and shall have only such effect as may be attributed to it by a court of competent jurisdiction.

(17 U.S.C. 116, 702)

Dated: May 28, 1982.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 82-15572 Filed 6-8-82; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1

[A-3-FRL-2135-1]

Air Programs; Availability of Fluid Modeling Demonstration and Opportunity for Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability and opportunity for public hearing.

SUMMARY: This notice announces the availability of a fluid modeling demonstration which would determine the stack height credit needed to avoid excess concentrations of sulfur dioxide due to downwash from terrain obstacles around the Albright Power Plant in Preston County, West Virginia. No change in the State Implementation Plan or applicable emission limits is contemplated as a result of this notice.

DATE: Interested persons may request a public hearing on the fluid modeling demonstration, provided that such request must be received on or before July 9, 1982.

ADDRESSES: Copies of the fluid modeling study reports are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: William Belanger;

West Virginia Air Pollution Control Commission, 1558 E. Washington Street, Charleston, WV 25311, ATTN: Carl Beard

Any request for public hearing should be addressed to: W. Ray Cunningham (3AW10), Chief, Air Programs & Energy Branch, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT:

William Belanger, (3AW14), Technical Support and Radiation Section, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone: (215) 597-8188.

SUPPLEMENTARY INFORMATION: Section 123 of the Clean Air Act requires EPA to promulgate regulations to assure the degree of emission limitation required for control of any pollutant under an applicable State Implementation Plan is not affected by any portion of the stack height which exceeds good engineering practice. Credit is also allowed to avoid excess concentrations due to atmospheric downwash wakes and eddies created by nearby terrain obstacles. If credit is to exceed two and one-half times the height of the source, a demonstration must be made by the company to the satisfaction of the Administrator that such greater height is necessary and an opportunity for public hearing must be provided. Regulations implementing the section were promulgated on February 8, 1982 (47 FR 5864.).

The Monongahela Power Company has submitted a fluid modeling demonstration for their Albright Power Plant in West Virginia. The demonstration is titled "Monongahela Power Company, Albright Power Station, Good Engineering Practice Stack Physical Modeling Study" and is dated September 1980. The study was conducted in the fluid modeling facility (wind tunnel) at Colorado State University. The conclusion of the study is that a stack height credit of 253 meters may be allowed at the Albright Station. The 253 meter stack would replace the existing short stacks (50 meters and 72 meters) with no change in the allowable emissions. The effect of this change would be to eliminate possible violations of the air quality standard for sulfur dioxide which could occur under the present stack height due to the effect of nearby terrain.

EPA has carefully evaluated the technical study submitted by Monongahela Power. The study has tentatively (pending public comment) been found to be a satisfactory demonstration of the need for a 253 meter stack under the current regulation and in accordance with EPA's "Guideline for Fluid Modeling of Atmospheric Diffusion" (EPA–600/8–81–009) and "Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations)" (EPA–450/4–80–023). The former (highly technical) reference may be obtained from EPA's Environmental Sciences Research Laboratory and the latter general guideline from the Office of Air Quality Planning and Standards, both in Research Triangle Park, N.C. 27711.

Interested persons are invited to request a public hearing at which they will be afforded an opportunity to submit evidence on the technical adequacy of the fluid modeling demonstration. Because there is no proposed change in the emission limitation, there will be no testimony on that subject. If a hearing is held, it will be limited to the technical adequacy of the fluid modeling demonstration. The availability of the study and procedure for requesting a public hearing are given at the beginning of this notice.

Dated: May 19, 1982

Peter N. Bibko,

Regional Administrator.

[FR Doc. 82–15637 Filed 6–8–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A-1-FRL-2127-8]

Approval and Promulgation of Implementation Plans; Mount Tom Power Plant, Holyoke, Mass.; Revision to Particulate Emission Limit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Massachusetts State Implementation Plan (SIP) which was submitted on January 22, 1982 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering. The revision being approved today revises the allowable emission rate of particulate matter at the Mount Tom Power Plant, Holyoke, Massachusetts, from 0.12 pounds to 0.08 pounds of particulate matter per million Btu heat input. The effect of this revision is to allow the Mount Tom Power Plant to burn coal without jeopardizing the attainment or maintenance of air quality standards.

DATES: This action will be effective August 9, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Linda Murphy, Acting Chief, State Programs Branch, EPA Region I (see address below). Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, N.W. Room 8401, Washington, D.C., and Department of Environmental Quality Engineering, Division of Air Quality Control, 1 Winter Street, Boston, Massachusetts 02108.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts, 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: On January 22, 1982 the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a request for approval of a revision to Regulation 7.17 "Conversions to Coal" which specifies conditions under which Holyoke Water Power Company's Mount Tom Power Plant is allowed to burn coal. This revision which EPA is today approving, specifies that upon conversion to coal, the Mount Tom Plant must (1) comply with the requirements of Regulation 7.05(1) "Sulfur Content of Fuels and Control Thereof" and (2) comply with a particulate emission limit of 0.08 pounds per million Btu heat input. Regulation 7.05 limits the sulfur-in-fuel content at Mount Tom to 1.21 pounds per million Btu heat release potential; no change is being made to this regulation. The particulate emission limitation is being decreased from 0.12 pounds to 0.08 pounds of particulate per million Btu heat input. Compliance with the new particulate emission limit will be determined through stack testing.

Since the only effect of this revision is to make the particulate emission limit more stringent, there is no adverse effect on air quality.

On November 24, 1981 (45 FR 57491) EPA issued a Delayed Compliance Order (DCO) for the Mount Tom plant which allows noncompliance with the Massachusetts SIP particulate emission regulation from November 24, 1981 to no later than February 5, 1984. Therefore, the revision to the particulate emission limit being approved today will not be enforced while the DCO is in effect.

Since this SIP revision changes the allowable particulate emission rate at the Mount Tom Power Plant to a more stringent limit, this rulemaking is considered noncontroversial, and no adverse or critical comments are expected. Therefore, this SIP revision is being published as a final rulemaking without going through proposed rulemaking. EPA believes that publishing a proposed rulemaking is unnecessary.

However, if notice is received within 30 days of the date of publication of this **Federal Register** notice that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action establishing a comment period. If no such comments are received, the public is advised that this action will be effective August 9, 1982.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP revision approval under the January 27, 1981 certification. This action approves only state actions. It imposes no new requirements. In addition, this action only applies to one facility.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307 (b)(1) of the Clean Air Act judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 9, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110(a) and Sec. 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601 (a)))

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Dated: June 2, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subchapter W—Massachusetts

Section 52.1120 is amended by adding paragraph (c)(49) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(49) A revision to Regulation 7.17 "Conversions to Coal" submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on January 22, 1982 specifying the conditions under which coal may be burned at the Holyoke Water Power Company, Mount Tom Plant, Holyoke, Massachusetts.

[FR Doc. 82-15600 Filed 6-8-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2114-8]

Approval and Promulgation of State Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 29, 1981 (46 FR 33334), the Environmental Protection Agency (EPA) proposed to approve a revision to the Illinois State Implementation Plan (SIP) for total suspended particulate (TSP) for the Caterpillar Tractor Company (Caterpillar). This revision grants nine Caterpillar boilers variance from Illinois Pollution Control Board (IPCB) Rules 203(g)(1)(A), Rule 203(g)(1)(C)(i), and/or Rule 203(g)(1)(D) which regulate particulate emissions from new and existing sources. In the June 29, 1981, Notice of Proposed Rulemaking, interested persons were given until July 29, 1981, to comment. On July 30, 1981, public comment period was extended to August 28, 1981, (46 FR 38937). The purpose of this notice is to discuss the public comment received and to announce EPA's final rulemaking action approving this proposed revision to the Illinois SIP.

EFFECTIVE DATE: This final rulemaking becomes effective July 9, 1982.

ADDRESS: Copies of the proposed SIP revision, the public comments received on the Notice of Proposed Rulemaking (45 FR 59597), and response to the comments are available at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 Dearborn Street, Chicago, Illinois 60604

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On November 29, 1979, Caterpillar obtained a variance from IPCB Rule 203(g)(1) for particulate emissions for thirteen coal-fired industrial boilers equipped with flue gas desulfurization systems, (FGD) at its East Peoria, Joliet, Mossville, and Mapleton, Illinois plants. The variance, in the form of a final order (Order) was amended on January 24, 1980 and on February 7, 1980. On April 4, 1980, the State of Illinois submitted the Order to EPA as a revision to the Illinois SIP. On June 29, 1981, EPA proposed rulemaking action on the submittal. The purpose of this notice is to discuss the public comments received and to announce EPA's Final Rulemaking action on approving this revision to the Illinois SIP.

On September 5, 1979, Caterpillar filed four Petitions for Variance from Rule 203(g)(1) for particulate emissions from thirteen boilers at its East Peoria, Joliet, Mapleton and Mossville, Illinois plants. These petitions were filed while the IPCB was considering a broader Caterpillar regulatory petition, R79-11 which sought the adoption of a particulate emission limitation of .025 lbs/MMBTU for all coal-fired industrial boilers equipped with FGD systems. On November 29, 1979, as amended on January 24, 1980 and February 7, 1980, the IPCB granted Caterpillar a variance from Rule 203(g)(1) until December 31, 1982, or until final rulemaking is completed on regulatory proceeding R79-11 for the sources listed in the accompanying table:

Facility	County	Attainment status	Boiler	Present regulation	Present emission limit in lbs/ MMBTU	Proposed variance in lbs/ MBTU
East Peoria	Tazewell	Primary nonattainment	19	Rule 203(g)(1)(C)(i)	0.1556	.25
			20	Rule 203(g)(1)(C)(i)	0.1556	.25
			21	Rule 203(g)(1)(D)	0.1	.32
			22	Rule 203(g)(1)(D)	0.1	.32
Joliet	Will	Primary nonattainment	2	Rule 203(g)(1)(A)	0.1	.25
			3	Rule 203(g)(1)(A)	0.1	.28
Mossville	Peoria	Secondary nonattainment	4	Rule 203(g)(1)(D)	0.1	.25
			5		0.1	.27
Mapleton	Peoria	Secondary nonattainment	1	Rule 203(g)(1)(D)	0.1	.25

The present emission limits and proposed variances in the above table were not similarly listed in the table contained in the Notice of Proposed Rulemaking. In that notice, both the present limit and the proposed variance were listed under the heading "Present Emission Limit" instead of being listed in two columns. Since all the information needed to interpret the table was presented, EPA is announcing its final rulemaking today without reproposal.

This variance covering the boilers at four Caterpillar Tractor Company

facilities expired on October 8, 1981, when the IPCB issued a final order in regulatory proceeding R79–11. This final order was submitted to EPA as a proposed revision to the Illinois SIP on December 7, 1981. EPA expects to publish a proposed rule on this submission shortly.

The IPCB also granted Caterpillar a variance for Mapleton Boilers # 2, 3, 4, and 5 and Illinois also submitted a SIP revision request for these four boilers.

However, EPA has determined that these boilers are subject to Section III of the Clean Air Act (Act) as amended, as defined in 40 CFR Part 60—Standards of Performance for New Stationary Sources (NSPS) for Fossil-Fuel Fired Steam Generators and, as such, are not eligible for SIP relaxations under Section 110 of the Act. Such alterations of the regulations for sources subject to NSPS must be handled through the provisions of Section 111. Accordingly, Mapleton boilers, # 2, 3, 4 and 5 are not covered by this final action.

Pursuant to Part D of the Act, as amended, each State is required to revise its SIP in nonattainment areas to demonstrate attainment of the TSP National Ambient Air Quality Standards by December 31, 1982. Absent a rigorous attainment demonstration, an acceptable alternative SIP for nonattainment areas must include provisions for applying reasonably available control technology (RACT) to stationary sources and studying the nature and extent of nontraditional particulate sources in the area. Since the four facilities are located in nonattainment areas for TSP, these requirements would apply to the Caterpillar SIP revision. While the State of Illinois has not submitted a rigorous attainment demonstration for this SIP revision, EPA has reviewed the proposed SIP revision and finds the SIP revision for the East Peoria Boilers # 19, 20, 21 and 22, Joliet Boilers # 2 and 3, Mossville Boilers # 4 and 5, and Mapleton, Boiler # 1 is approvable for the following reasons:

(1) The regenerative double alkali scrubber system, which Caterpillar installed on its boilers to control SO_2 and particulates, satisfies the technical and economic feasibility requirements of RACT, and (2) Illinois has initiated an acceptable study of nontraditional sources of fugitive dust in nonattainment areas.

EPA received public comments on the June 29, 1981 Notice of Proposed Rulemaking from Caterpillar's legal representative. These comments are discussed below:

Public Comment: Rule 203(g)(1) is not a valid part of the Illinois SIP. Rule 203(g)(1) is invalid for State purposes and accordingly does not exist as a part of the Illinois SIP.

EPA Response: The EPA position on the validity of Illinois Rule 203(g)(1) is that adopted by the Court in People of the State of Illinois v Commonwealth Edison, 490 F Supp. 1145 (N.D. Ill. 1980), namely, invalidation by a state court of a regulation approved as part of that state's implementation plan does not invalidate federal enforcement of the regulation.

Public Comment: Caterpillar objects to the determination that its Mapleton boilers 2–5 are subject to section 111 of the Clean Air Act, as amended. While Caterpillar received a Notice or Violation from EPA on August 20, 1980, with respect to the alleged failure to comply with § 111 of the Clean Air Act and 40 CFR Part 60, Standards of Performance for new Stationary Sources for Fossil-Fuel-Fired Steam Generators, the application of such provisions remains unresolved at the present time.

EPA Response: As stated on page 33335 of the June 29, 1981, Notice of Proposed Rulemaking, Mapleton Boilers # 2–5 are not covered by this rulemaking action in that the applicability of the NSPS to Mapleton Boilers # 2–5 is to be made under Section 111 of the Act.

Public Comment: Caterpillar objects to the requirement that any permit that contains conditions that exempt the boilers from the emissions limits must be submitted to EPA for approval. This requirement is burdensome and unwarranted.

EPA Response: A SIP revision is necessary because the variance contains an open ended exception to emission limits in the federally approved SIP. Condition A requires Caterpillar to operate its scrubbers at all times during boiler use except when applicable permit conditions allow otherwise. Thus permits which change emission limitations in the federally approved SIP must be technically supported and submitted to EPA as a proposed SIP revision.

Since no substantive adverse public comments were received, EPA approves the variance granted Caterpillar from IPCB Rules 203(g)(1)(A), Rule 203(g)(1)(C)(1), and Rule 203(g)(1)(D) for 9 Caterpillar boilers as part of the Illinois SIP.

Under Executive Order 12291, today's action is not "major". It was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comment from OMB to EPA and any response to these comments are available for public inspection at the EPA Region V Office listed above.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 9, 1982. This action may not be challenged later in proceedings to enforce its requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the director of the **Federal Register** on July 1, 1981.

Dated: June 1, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended by adding paragraph (C)(31) to § 52.720, as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(31) On April 4, 1980, the State submitted a November 29, 1979, Opinion and Order of the Illinois Pollution Control Board (IPCB) and Supplementary IPCB Orders dated January 24, 1980, and February 7, 1980. These Orders grant 13 Caterpillar Tractor Company boilers a variance from the requirements of IPCB (A), Rule 203(g)(1)(C)(i) and/or Rule 203(g)(1)(D) which regulate particulate emissions from new and existing sources. No action is taken at this time on variance provisions for Mapleton facility boilers #2, 3, 4, and 5. This variance expired on October 8, 1981.

[FR Doc. 82–15571 Filed 6–8–82; 8:45 am]

BILLING CODE 6560–80–M

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40 CFR Part 52

[A–3–2126–4]

Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 20, 1980, EPA published a **Federal Register** notice taking final action on Pennsylvania's

1979 State Implementation Plan (SIP) revision (45 FR 33607) under the Clean Air Act. In that notice, EPA conditionally approved two regulations that applied to Allegheny County, Pa. On February 23, 1982, Pennsylvania submitted amendments to correct these two conditionally-approved Volatile Organic Compound (VOC) regulations. EPA is approving these amendments in this notice.

DATE: Effective July 9, 1982.

ADDRESSES: Copies of this SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs and Energy Branch, 6th and Walnut Streets, Philadelphia, PA 19106, Attn: Gregory Ham (3AW11)
Allegheny County Bureau of Air Pollution Control, 301 Thirty-Ninth Street, Pittsburgh, PA 15201, Attn: Ron Chleboski, Deputy Director
Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120
Public Information Reference Unit, Room 2922, EPA Library, Environmental Protection Agency, 401 M Street SW., (Waterside Mall), Washington, D.C. 20460
Office of the Federal Register, 1100 L Street SW. Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Ham, Environmental Protection Agency, Region III, Air Programs and Energy Branch, Curtis Building, 6th & Walnut Streets, 10th Floor, Philadelphia, PA 19106, (215) 597-2745.

SUPPLEMENTARY INFORMATION: On May 20, 1980, EPA published a **Federal Register** notice taking final action on Pennsylvania's 1979 SIP revision (45 FR 33607). In that notice EPA conditionally approved two VOC regulations pertaining to cutback and emulsified asphalts. The County has submitted a justification for one of the regulations and changed the other to satisfy the conditions on these regulations.

The justification involved the exemption allowing the use of cutback asphalt as a tack coat (Section 510 of Article XX). Pennsylvania has demonstrated that this exemption is insignificant, resulting in an increase of less than 2.2% in VOC emissions from asphalt paving statewide (including Allegheny County). Therefore, this exemption does not need to be removed.

The regulation change involved the solvent content allowed in emulsified asphalt (also section 510 of Article XX). The previous regulation exempted emulsified asphalts with solvent content less than 12% from control under cutback asphalt regulations. The revised regulation sets maximum solvent contents for various grades of emulsified asphalts at levels recommended by EPA as Reasonably Available Control Technology for Round I VOC regulations.

In the May 20, 1980 **Federal Register** notice (45 FR 33623) which conditionally approved Pennsylvania's plan, EPA stated that RACT for asphalt could be determined on a case-by-case basis to reflect the varying local conditions which may require different solvent content for asphalts. Pennsylvania has indicated that the use of cutback asphalt as a tack coat is necessary because they feel that the water-based asphalt alternative lacks the waterproofing characteristics and adhesive properties needed for durable pavement. However, as mentioned above they have demonstrated that tack coat use results in an insignificant increase (less than 2.2%) of the VOC emissions statewide. Pennsylvania has also revised their definition of cutback asphalt stipulating maximum allowable solvent contents for specific grades of emulsified asphalts in accordance with conditional approval Option A (45 FR 33618).

Since Pennsylvania has adopted the specific EPA conditional approval Option A and has demonstrated the insignificance of the tack coat exemption, EPA is approving these items and changing the conditional approval to full approval for these items.

EPA did not publish a separate proposal of this SIP revision because the conditions and actions requiring these revisions were discussed in detail in the **Federal Register** notice of May 20, 1980 (45 FR 33607).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit court by August 9, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(42 U.S.C. 7401-7642)

Dated: June 1, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by Reference of the State Implementation Plan for the State of Pennsylvania was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 Part 52 of the Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

1. In § 52.2020, (c)(43) is added to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified. * * *

(43) Revisions submitted to the Commonwealth of Pennsylvania on February 23, 1982 to correct the conditionally-approved portions of the 1979 State Implementation Plan, specifically the two asphalt regulations in Allegheny County, Pa.

* * * * *

§ 52.2037 [Amended]

2. Section 52.2037 is amended by removing paragraph (a)(2).

[FR Doc. 82-15567 Filed 6-8-82; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[A-4-FRL 2121-7]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Alternative VOC Compliance Schedule; Kentucky: Approval of Jefferson County Set II VOC Regulations for New/Existing Affected Facilities

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Nashville-Davidson County, Tennessee, Metropolitan Board of Health on August 12, 1981, adopted an alternative schedule of compliance for Regulation No. 7 "Regulation for Control of Volatile Organic Compounds" for rotogravure and flexographic printing operations of Werthan Industries, Inc. EPA today is approving this revision in the Tennessee plan.

EPA is also announcing full approval of State Implementation Plan (SIP) regulations for the control of new/existing affected facilities of volatile

organic compound (VOC) for Set II, which Kentucky submitted for Jefferson County (Louisville) pursuant to requirements of Part D, Title I of the Clean Air Act (CAA) and in conformity with EPA's New Source Performance Standards (NSPS).

EFFECTIVE DATE: This action will be effective on August 9, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: The submittals may be examined during normal business hours at the following offices:

State of Tennessee, Department of Public Health, Division of Air Pollution Control, Terra Building 6th Floor, 150 9th Avenue North, Nashville, Tennessee 37203

Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution Control, 18 Reilly Road, Building 2, Frankfort, Kentucky 40601

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Waymond A. Blackmon, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404/881-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION:

The Tennessee Revision

After public hearing in conformity with 40 CFR 51.4, the Metropolitan Board of Health of Nashville-Davidson County, Tennessee on August 12, 1981, adopted a regulation which sets forth an alternative compliance schedule under which Werthan Industries, Incorporated's rotogravure and flexographic printing operation, a source of volatile organic compound (VOC) emissions, is given until September 1, 1987, to achieve final compliance. This extension will not interfere with reasonable further progress in attaining the National Ambient Air Quality Standards for ozone in the Nashville area.

Accordingly, EPA is today approving the alternative compliance schedule for Werthan Industries, Inc., submitted as an implementation plan revision by the State of Tennessee.

The Kentucky Revision

After public hearing, the Jefferson County Air Pollution Control Board adopted regulations for new and existing sources of volatile organic compound (VOC). On October 20, 1981, Kentucky submitted Jefferson County's VOC regulations (Regulation No. 6 and 7 "New/Existing Affected Facilities") for approval as a plan revision. EPA's review of these regulations indicates they are consistent with the Set II VOC control techniques guidelines (CTGs) issued by the Agency as well as the Standard of Performance for New Stationary Sources (40 CFR Part 60).

Therefore, EPA is today approving the Jefferson County Air Pollution Control Board's Set II VOC regulations:

6.13 Standard of Performance for Existing Storage Vessels for Volatile Organic Compounds.
6.23 Standard of Performance for Existing Dry Cleaning Facilities.
6.29 Standard of Performance for Existing Graphic Arts Facilities Using Rotogravure and Flexography.
6.30 Standard of Performance for Existing Factory Surface Coating Operations of Flat Wood Paneling.
6.31 Standard of Performance for Existing Miscellaneous Metal Parts and Products Surface Coating Operations.
6.32 Standard of Performance for Leaks From Existing Petroleum Refinery Equipment.
6.33 Standard of Performance for Existing Synthesized Pharmaceutical Product Manufacturing Operations.
6.34 Standard of Performance for Existing Pneumatic Rubber Tire Manufacturing Plants.
6.36 Standard of Performance for Existing Metal Parts and Products Surface Coating Operations at Auto and Truck Manufacturing Plants.

New Source Performance Standards (NSPS) regulations:

7.12 Standards of Performance for New Storage Vessels for Volatile Organic Compounds.
7.23 Standards of Performance for New Perchloroethylene Dry Cleaning Systems.
7.56 Standards of Performance for Leaks from New Petroleum Refinery Equipment.
7.57 Standards of Performance for New Graphic Arts Facilities Using Rotogravure and Flexography.
7.58 Standards of Performance for New Factory Surface Coating Operations of Flat Wood.
7.59 Standards of Performance for New Miscellaneous Metal Parts and Products Surface Coating.
7.60 Standards of Performance for New Synthesized Pharmaceutical Product Manufacturing Operations.
7.61 Standards of Performance for New Pneumatic Rubber Tire Manufacturing Plants.
7.62 Standards of Performance for Stationary Gas Turbines.
7.63 Standards of Performance for New Electric Utility Steam Generating Units.
7.64 Standards of Performance for New Ammonium Sulfate Manufacturing Units.

EPA does not have Federal NSPS for regulation numbers 7.23, 7.56, 7.57, 7.58, 7.59, 7.60, and 7.61. However, when EPA promulgates NSPS for these categories, we will enforce the EPA promulgated regulations if the local's version is less stringent.

The public should be advised that these actions will be effective August 9, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, these actions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of these actions and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the States Court of Appeals for the appropriate circuit by August 9, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2)).

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

The Office of Management and Budget has exempted this regulation from the requirements of section 3 of Executive Order 12291.

Incorporation by reference of the State Implementation Plans for Kentucky and Tennessee was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 and 172 of the Clean Air Act as Amended (42 U.S.C. 7410 and 7502))

Dated: June 1, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

1. Section 52.920 is amended by adding paragraph (c)(30) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(30) Jefferson County Set II VOC regulations for new/existing affected facilities, submitted on October 20, 1981, by the Kentucky Department for Natural Resources and Environmental Protection.

Subpart RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(42) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(42) Alternative VOC compliance schedule for Werthan Industries, Inc., Nashville, submitted on October 9, 1981, by the Tennessee Department of Public Health.

[FR Doc. 82-15568 Filed 6-8-82; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[LA-6-2128-7]

Approval and Promulgation of Revisions to Louisiana State Implementation Plan

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rulemaking.

SUMMARY: The purpose of this rule is to approve revised sections of the State Implementation Plan (SIP) and Air Quality Regulations for Louisiana which were submitted to EPA by the Governor in four separate submittals dated January 12, 1981, March 25, 1981, February 15, 1982 and March 10, 1982. The revised Sections of the Air Quality Regulations concern: (1) Administrative or rewarding changes which do not alter the intent of the revised Sections, (2) a revision which requires that updates on emission data and compliance of sources be submitted annually to the State, (3) a revision which requires an opacity limitation for emissions from Kraft recovery furnaces in pulp manufacturing plants, and (4) a revision which requires source testing for compliance with applicable emission rates for Kraft recovery furnaces in pulp manufacturing plants. The revised sections were submitted by the State for the purpose of meeting the requirements of Part D of the Clean Air Act (CAA), and to assist the State in the continued maintenance of the National Ambient Air Quality Standards throughout Louisiana. This notice also amends 40 CFR 52.970.

EFFECTIVE DATE: This rulemaking will be effective on August 9, 1982, unless notice is received by 30 days from date of publication that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by Louisiana, and EPA's Evaluation Report may be examined during normal business hours at the following locations: EPA, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270; EPA, Public Information Reference Unit, Library Systems Branch, 401 M Street, S.W., Washington, D.C. 20460; The Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: J. Ken Greer, Jr., State Implementation Plan Section, Air & Waste Management Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742, FTS 729-2742.

SUPPLEMENTARY INFORMATION:

I. Background

The Governor of Louisiana submitted to EPA revisions to the State's SIP for air pollution control on January 12, 1981, March 25, 1981, February 15, 1982 and March 10, 1982. The submittals revised sections 4.14, 4.36, 4.102, 4.110, 6.6, 17.13, 22.3.1.1, 22.3.1.2, 22.20.2, 22.21.2(D) and added new sections 23.4.1.1, 23.4.4 and 1077 of the SIP and the State's Air Quality Regulations. The revisions submitted include: (1) Administrative or rewording changes which do not alter the intent of the revised Sections, (2) a revision which requires that updates on emision data and compliance of sources be submitted annually to the State, (3) a revision which requires an opacity limitation for emissions from Kraft recovery furnaces in pulp manufacturing plants and (4) a revision which requires source testing for compliance with applicable emision rates for Kraft recovery furnaces in pulp manufacturing plants. Public hearings were held and the revised Sections were adopted by the Louisiana Environmental Control Commission on December 11, 1980 for sections 4.102, 4.110, 22.22.2 and 22.21.2(D), on February 26, 1981 for sections 4.14, 4.36, 6.6, 22.3.1.1 and 22.3.1.2, and on January 28, 1982 for sections 17.13, 23.4.1.1 and 23.4.4. No public hearing was held concerning the revised Section 1077 of the Environmental Affairs Act, which was an administrative change adopted by the Louisiana Legislature, effective January 1, 1980. Brief descriptions of the revised Sections and EPA's actions are outlined below.

II. Description of the Revised Sections

A revision to section 4.14 of the Definitions Section of the Air Quality Regulations revises the name of the Louisiana Air Control Commission to the name of The Environmental Control Commission of the State of Louisiana. The revised Section was submitted to EPA on March 25, 1981.

A revision to section 4.36 of the Definitions Section defines an installation as an identifiable piece of processing equipment, manufacturing equipment, fuel burning equipment, incinerator, or other equipment on construction capable of creating or causing emissions. The revised section was submitted to EPA on March 25, 1981.

A revision to section 4.102 deletes the definition for vapor-tight since the definition is included in section 22 of the Louisiana Regulations. EPA approved Louisiana's section 22 in an October 29, 1981 **Federal Register** notice (46 FR 53412). The revision was submitted to EPA on January 12, 1981.

A revision to section 4.110 defines transfer efficiency as the portion of coating solids which is not lost or wasted during the application process expressed as percent of total volume of coating solids delivered by the applicator. The revised section was submitted to EPA on January 12, 1981.

A revision to section 6.6, Public Comment Section, adds a requirement that a copy of public notices announcing availability of information concerning new source permits will be sent to EPA via the Region 6 Office. The revised section was sent to EPA on March 25, 1981.

A revision to section 17.13 requires that annual reports (as required by other Sections of the Regulations), must be submitted to the Louisiana Department of Natural Resources (DNR) by March 1st of each year for the previous year's activities. The report should include all data applicable to the emission source or sources as required by the State's regulations concerning emission inventories, emergency notification, and compliance with the Air Quality Regulations. The revised section was submitted to EPA on February 15, 1982.

A wording change to the first part of both sections 22.3.1.1 and 22.3.1.2 concerns adding a descriptive term for floating roofs used in control of storage

tank emissions. The floating roof description is revised to read, "consisting of a pontoon type roof, double deck type roof or internal (or external) floating cover which will rest * * *" The revision to both sections was submitted to EPA on March 25, 1981.

A revision to section 22.20.2, exemptions for rotogravure or flexographic printing facilities, was revised to include the clarifying words, "calculated from historical records of actual consumption of ink . . ." The revised section was submitted to EPA on January 12, 1981.

Section 22.21.1 (D) was revised to require monitoring "immediately" when liquids are observed dripping from pump seals. The revised section was submitted to EPA on January 12, 1981.

A new section 23.4.1.1, Compliance, was added by Louisiana to the State's regulation for control of emissions from pulp manufacturing plants. The new Section requires that owners or operators of sources shall conduct source tests of recovery furnaces pursuant to the provisions in Table 4 of the Louisiana Regulations. The source test results should be submitted to the State and are necessary because each source covered by section 23 must prove to the State that it is in compliance with the particulate emission rates listed in Section 23 for recovery furnaces. The new section was submitted to EPA on February 15, 1982.

A new section 23.4.4, Opacity Limitation, was also added by the State to section 23. The new Section requires that the emission of smoke from recovery furnaces shall be controlled so the emissions are not darker than 40% average opacity as measured by a method listed in Table 4 of the Louisiana Regulations. An exceedance to the 40% opacity limitation may be allowed only during one six-minute period in any sixty consecutive minute period. The new Section was submitted to EPA on February 15, 1982.

In addition, an administrative change has been made to Section 2210, Confidential Information, of the Louisiana Air Control Law. Effective January 1, 1980, the Section was renumbered as Section 1077, to coincide with revisions made previously by the Louisiana Legislature to the Environmental Affairs Act. The renumbering does not alter the intent of the Section. The revision was submitted to EPA on March 10, 1982.

The above described revised and new Sections have been reviewed by EPA and found to agree with EPA guidance as fully explained in the Evaluation Report which is available for public review at the places listed in the **ADDRESSES** section of this notice. The revised Sections will allow DNR to continue to attain and maintain the National Ambient Air Quality Standards throughout the State of Louisiana.

EPA's Actions

EPA approves the SIP revisions as submitted by Louisiana which revise sections 4.14, 4.36, 4.102, 4.110, 6.6, 17.13, 22.3.1.1, 22.3.1.2, 22.20.2, 22.21.2(D), 23.4.1.1, 23.4.4 and 1077 of the Louisiana SIP and Air Quality Regulations.

The public should be advised that this action will be effective on July 9, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Incorporation by reference of the SIP for the State of Louisiana was approved by the Director of the Office of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxides, Nitrogen dioxide, Lead, Particulate matter, Carbon dioxide and hydrocarbons.

(Sec. 110(a) of the Clean Air Act, as amended 42 U.S.C. 7410(a))

Dated: June 1, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart T—Louisiana

1. Section 52.970 is amended by adding new paragraphs (c) (34), (36), (37), and (38) as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(34) Revisions to the Air Control Regulations 4.102, 4.110, 22.20.2 and 22.21.2(D), as adopted by the Louisiana Environmental Control Commission on December 11, 1980, were submitted by the Governor on January 12, 1981.

* * * * *

(36) Revisions to the Air Control Regulations 4.14, 4.36, 6.6, 22.3.1.1, and 22.3.1.2, as adopted by the Louisiana Environmental Control Commission on February 26, 1981, were submitted by the Governor on March 25, 1981.

(37) Revisions to the Air Control Regulations 17.13, 23.4.1.1 and 23.4.4, as adopted by the Louisiana Environmental Control Commission on January 28, 1982, were submitted by the Governor on February 15, 1982.

(38) A revision to section 2210 of the Louisiana Air Control Law was submitted to EPA on March 10, 1982. The Section was renamed Section 1077 of the Environmental Affairs Act, by the Louisiana Legislature, and was effective January 1, 1980.

[FR Doc. 82-15569 Filed 6-8-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-9-FRL-2048-8]

Approval and Promulgation of Implementation Plans; Southeast Desert Air Basin, California, Nonattainment Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: On June 8, 1981, EPA proposed to approve with conditions the Southeast Desert Air Basin (SEDAB) Nonattainment Area Plan (NAP) for ozone. The SEDAB NAP is intended to provide for attainment of the ozone National Ambient Air Quality Standards (NAAQS) in the SEDAB of Los Angeles, Riverside and San Bernadino Counties. Today's notice takes final action to approve with conditions the SEDAB with respect to part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas."

DATE: This action is effective June 9, 1982.

ADDRESS: A copy of the SEDAB NAP for ozone is located at: The Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20408, Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Acting Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 974-8222.

SUPPLEMENTARY INFORMATION:

Background

On February 15 and September 5, 1980, the California Air Resources Board (ARB) submitted revisions to the California State Implementation Plan (SIP) consisting of a control strategy and regulations for the Southeast Desert Air Basin. These revisions, which comprise the Southeast Desert Air Basin NAP, are intended to provide for attainment of the ozone National Ambient Air Quality Standards (NAAQS) in the SEDAB portions of Los Angeles, Riverside, and San Bernardino Counties.

On June 8, 1981 (46 FR 30355), EPA published a notice of proposed rulemaking concerning the SEDAB NAP for ozone. The notice provided a description of the NAP, summarized the applicable Clean Air Act requirements into 14 criteria, compared the NAP to those criteria, and proposed to approve, conditionally approve, and disapprove portions of the NAP. The June 8th notice should be used as a reference in reviewing today's actions.

Public Comments

During the public comment period, EPA received comments from the ARB and the San Bernardino County Air Pollution Control District. These comments are specifically identified and responded to in EPA's Public Comment Technical Support Document (contained in Document File NAP-CA-10 at the EPA Library in Washington, D.C. and at the Region 9 office).

EPA Actions

EPA's final actions on the Los Angeles, Riverside, and San Bernardino County portions of the SEDAB NAP for ozone are described below. These actions are based on the proposed rulemaking notice and the public comments received by EPA.

Approved Portions of the NAP

The following portions of the NAP are approved because they satisfy the requirements of Part D: Emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, legally adopted measures (except Los Angeles portion), emissions growth, annual reporting, resources, public and government involvement, and public hearing requirements. The San Bernardino County rules listed below are approved because they fully satisfy the Part D requirements for reasonably available control technology (RACT): Rule 442, 461, 462, 463, and 1113.

EPA is also approving a revision to the SIP which adds the SEDAB portion of Riverside County into the South Coast Air Quality Management District (SCAQMD). The effect of this revision is to make all the SCAQMD rules applicable throughout Riverside County.

The State's request for an extension of the ozone attainment date to December 31, 1987 is approved.

Conditionally Approved Portions of the NAP

In the June 8, 1981 notice, EPA proposed to disapprove five segments of the NSR rules for Los Angeles and Riverside Counties and four for San Bernardino County. In each case four of the segments contained identical language stipulating use of the highest three out of five years emissions in calculating applicability and offset baselines. That would normally lead to an unrepresentatively high baseline emissions level. The other item EPA proposed to disapprove was a provision in the Riverside and Los Angeles County rules which provided that some sources could exclude up to 100 pounds per day of emissions in determining whether they were subject to the rules and how much offsetting would be required. EPA has decided not to disapprove these five rule segments. However, EPA is conditioning approval of the SEDAB NAP on correction of these and other NSR problems. The condition is that the rules be amended to be consistent with EPA's regulations. Further information on problems with these rules is provided in EPA's Evaluation Report Addendum (Document File NAP-CA-10) at the EPA Library in Washington, D.C., and the Regional Office in San Francisco. Each District has committed to prepare revisions to their rules which will make them consistent with EPA's current regulations, including the amendments of August 7, 1980 and October 14, 1981.

With regard to the exclusion of up to 100 pounds per day in calculating emissions, it expired on October 8, 1981, and is therefore considered to be moot in this rulemaking. With regard to the emissions baseline calculations (highest 3 of 5 years), EPA finds that though the provision is inconsistent with EPA's criteria (CAA Section 173(1), 40 CFR 51.18(j)(1) (vii) and (xv), August 7, 1980), it is not serious enough to require disapproval.

The SEDAB highest 3 of 5 years baseline provision, which affects determinations of applicability and of offset requirements, is only a minor deficiency under EPA's regulations for the following reasons. First, SEDAB is a rural nonattainment area for ozone, and EPA's current policy does not require offsets for VOC sources locating in rural nonattainment areas. Second, although this provision will reduce the number of modifications which will be subject to NSR requirements, no modifications that would be regulated under EPA's regulations would currently avoid review under the SEDAB rules. This is because EPA regulations cover only modifications to major existing sources and there are currently no major VOC sources (as defined by 40 CFR 51.18) in SEDAB.

The legally adopted measures (Los Angeles portion only) and permit program portions of the NAP contain minor deficiencies. Since the State and the Districts have committed to submit the material necessary to correct the minor deficiencies, EPA is now taking final action to approve these portions of the NAP with the following conditions:

1. By August 9, 1982, the State must provide adopted regulations for degreasing operations in the Los Angeles County portion of the SEDAB which represent RACT (as required by Section 172(b)), and

2. By August 9, 1982, the New Source Review rules for the Riverside, Los Angeles, and San Bernardino portions of the SEDAB must be revised to meet the requirements in EPA's amended regulations under Section 173 (May 13, 1980, (45 FR 31307), August 7, 1980, (45 FR 52676) and October 14, 1981, (46 FR 50766)).

Final Action on the Overall NAP

Since the SEDAB NAP for ozone in Los Angeles, Riverside, and San Bernardino Counties contains only minor deficiencies, and since the State has provided assurances to correct these deficiencies, EPA is taking final action to conditionally approve the overall NAP with respect to Part D. As a result, the current prohibition on construction of major new or modified sources of volatile organic compounds is no longer in effect in these portions of the SEDAB.

Regulatory Process

In those areas for which the State of California has submitted approvable or conditionally approvable NAPs in

accordance with the requirements of Part D, EPA has responsibility to take a final action as soon as possible in order to lift the construction prohibition. Since the State has submitted a conditionally approvable NAP for the Counties discussed in this notice, EPA finds that good cause exists for making this action immediately effective.

As a result of the approval of certain portions of the NAP, EPA is taking final action to rescind the analogous portions of § 52.233, Review of new sources and modifications. In addition, EPA is approving the rescission of San Bernardino County's *Rule 67,* Fuel Burning Equipment, as applied to new sources.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major." Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities." This action is not "major" because it approves state and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities. This revision to the California SIP was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110, 129, 171–178, and 301(a), Clean Air Act, as amended [42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)])

Dated: May 19, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. In § 52.220 paragraphs (c)(51)(xii)(B), (c)(85)(v), (c)(87) (iv) and (v), (c) (106), (107), and (108) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(51) * * *

(xii) * * *

(B) New or amended Rules 442, 463, and 1113.

* * * * *

(85) * * *

(v) San Bernardino County APCD, Southeast Desert Air Basin portion.

(A) New or amended Rules 461 and 462.

* * * * *

(87) * * *

(iv) San Bernardino County APCD, Southeast Desert Air Basin portion.

(A) New or amended Rules 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1310, 1311, and 1313.

(v) Los Angeles County APCD, Southeast Desert Air Basin portion.

(A) New or amended Rules 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1310, 1311, and 1313.

* * * * *

(106) The *Southeast Desert Air Basin Control Strategy* for ozone (Chapter 19 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of the Ambient Air Quality Standards) was submitted by the Governor's designee on February 15, 1980. The portions of the *Southeast Desert Air Basin Control Strategy* identified in Table 19–1 (Summary of Plan Compliance with Clean Air Act Requirements), except those which pertain to Imperial County, comprise the plan. The remaining portions are for informational purposes only.

(107) On August 11, 1980, the Governor's designee submitted a revision to the State Implementation Plan which adds the Southeast Desert Air Basin portion of Riverside County into the South Coast Air Quality Management District.

(108) On November 28, 1980, the Governor's designee submitted a revision to the State Implementation Plan which deletes Rule 67, for the San Bernardino County APCD as applied to new sources.

* * * * *

2. Section 52.222 is amended by adding paragraph (d)(6) as follows:

§ 52.222 Extensions.

* * * * *

(d) * * *

(6) Southeast Desert Air Basin.

(i) Riverside County for Ozone.

(ii) Los Angeles County for Ozone.

(iii) San Bernardino County for Ozone.

* * * * *

3. Section 52.223 is amended by adding paragraph (b)(8) as follows:

§ 52.223 Approval status.

* * * * *

(b) * * *

(8) Southeast Desert Air Basin.

(i) Los Angeles County for Ozone.

(ii) San Bernardino County for Ozone.

(iii) Riverside County for Ozone.

* * * * *

4. Section 52.232 is amended by adding paragraph (a)(13) as follows:

§ 52.232 Part D conditional approval.

(a) * * *

(13) Los Angeles, San Bernardino, and Riverside portions of the Southeast Desert Air Basin.

(i) For Ozone:

(A) By August 9, 1982, the new source review rules for the three county areas must be revised to meet the requirements in EPA's amended regulations under Section 173 (May 13, 1980, (45 FR 31307), August 7, 1980, (45 FR 52676), and October 14, 1981, (46 FR 50766)).

(B) By August 9, 1982, the State must provide adopted regulations for degreasing operations in the Los Angeles County portion of the SEDAB which represent RACT.

* * * * *

5. In § 52.238, the entries for the Southeast Desert Intrastate are revised to read as follows:

§ 52.238 Attainment dates for the national standards.

* * * * *

Air quality control region	Pollutants						
	TSP		SO_x		NO_x	CO	O_3
	Primary	Secondary	Primary	Secondary			
* *	*	*	*	*	*		*
Southeast Desert Intrastate:							
a. Imperial County portion	e	e	e	e	e	e	h.
b. San Bernardino County portion	a	a	e	e	e	May 31, 1977.	i.
c. Riverside County portion	a	a	e	e	e	May 31, 1977.	i.

Air quality control region	Pollutants						
	TSP		SO_x		NO_x	CO	O_3
	Primary	Secondary	Primary	Secondary			
d. Los Angeles County portion	a	a	e	e	e	May 31, 1977.	i.
e. Remainder of AQCR	a	a	e	e	e	May 31, 1977.	May 31, 1977.
* * * * * * *							

6. Section 52.280 is amended by adding paragraph (b)(1)(ii) as follows:

§ 52.280 Fuel burning equipment.

* * * * *

(b) * * *

(1) * * *

(ii) San Bernardino County

(A) Rule 67, Fuel Burning Equipment as applied to new sources. The emission limit of Rule 67 is retained and is applicable only to existing sources already granted a permit.

* * * * *

[FR Doc. 82-15468 Filed 6-8-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-5-FRL 2133-8]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This rulemaking revises the total suspended particulate (TSP) designation for all or portions of 15 counties in Ohio. EPA is redesignating Ashtabula County, Clinton County, Lucas County (in part), and Meigs County from primary nonattainment to attainment and Carroll County, Champaign County, Darke County, Geauga County, Greene County, Hancock County, Lucas County (in part), Portage County, Seneca County (in part), Shelby County, Wayne County and Wood County from secondary nonattainment to attainment for TSP. This revision is based on a request from the State of Ohio and on the supporting data the State submitted. Under the Clean Air Act ("the Act"), designations can be changed if sufficient data are available to warrant such change.

DATES: This action will be effective August 9, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the redesignation request supporting air quality data are available at the following addresses: Environmental Protection Agency, Region V, Air Programs Branch, 230 S. Dearborn Street, Chicago, Illinois 60604;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20480;

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, (312) 886-6088.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every state. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrants.

EPA's criteria for redesignating an area are summarized in the June 12, 1979 memo, "Section 107 Redesignation Criteria", by Richard G. Rhoads, Director of EPA's Control Program Development Division. In general, a change from a primary nonattainment designation to either secondary nonattainment or attainment must be supported by either:

(1) The most recent eight consecutive quarters of quality assured, representative data on ambient air quality which show no violations of the appropriate NAAQS, or

(2) The most recent four consecutive quarters of quality assured, representative data on ambient air quality which show both (a) no violation of the appropriate NAAQS and (b) air quality improvement that results from legally enforceable emission reductions.

The primary TSP NAAQS is violated when, in a year, either: (1) The geometric mean value of monitored TSP concentrations exceeds 75 micrograms per cubic meter of air (75 $\mu g/m^3$) (the annual primary standard), or (2) the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once (the 24-hour standard). The secondary TSP NAAQS is violated when, in a year, the maximum 24-hour concentration exceeds 150 $\mu g/m^3$ more than once.

On January 12, 1982, the Ohio EPA submitted a request to USEPA to revise the § 107 attainment status designations for the fifteen counties mentioned above. The State submitted TSP ambient air quality data from all available sites in these counties for the years 1979 and 1980. EPA also reviewed the TSP monitor data for 1981 to assess whether the most recent data available are consistent with Ohio's proposed redesignations. Additionally, EPA reviewed the emissions inventory and air quality modeling information, which had been submitted in 1980 by Ohio to support their Part D TSP plan to assess whether the available monitors are located in areas representative of the true air quality in each county. A review of this data indicates that the ambient TSP data submitted by Ohio are representative of the air quality in each of the fifteen counties.

EPA's review of the monitor data indicates that there are at least eight consecutive quarters of recent representative, quality assured data which show no violation of the TSP NAAQS, for each of the fifteen counties. Therefore, the available data support Ohio's request. Further discussion of this monitored data is contained in the technical support document which is available for review at Region V.

Therefore, EPA is today approving Ohio's request to redesignate Ashtabula County, Clinton County, Lucas County (in part) and Meigs County from primary nonattainment to attainment and Carroll County, Champaign County, Darke County, Geauga County, Greene County, Hancock County, Lcuas County (in part), Portage County, Seneca County (in part), Shelby County, Wayne County and Wood County from secondary nonattainment to attainment for TSP. Therefore, EPA today approves these changes to the § 107 attainment status designations.

We are approving this action today without prior proposal. The action will become effective on August 9, 1982. If, however we receive notice by July 9, 1982 that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. Section 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 9, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407).

Dated: June 1, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows:

Section 81.336 is amended by removing reference to the following counties for TSP: Ashtabula, Clinton, Meigs, Carroll, Champaign, Darke, Geauga, Greene, Hancock, Portage, Shelby, Wayne and Wood and revising the reference to Lucas and Seneca Counties as follows:

§ 81.336 Ohio.

OHIO—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
Lucas:				
City of Toledo, east of the Maumee River	X			
The remainder of Lucas County				X
* * * * * * *				
Seneca:				
City of Bettsville and Liberty Township north of the Penn Central Railroad.		X		
The remainder of Seneca County				X
* * * * * * *				

[FR Doc. 82-15602 Filed 6-8-82; 8:45 am]

BILLING CODE 6560-50-M

[PP 0E2424/R432; PH-FRL-2138-4]

40 CFR Part 180

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Propargite

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the miticide propargite in or on the raw agricultural commodity fresh corn, including sweet corn (kernels plus cob with husks removed (K + CWHR)). This regulation to establish a maximum level for residues of the miticide on the commodity was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on June 9, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the **Federal Register** of March 31, 1982 (47 FR 13536) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 0E2424 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the pesticide propargite [2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite] in or on the raw agricultural commodity fresh corn including sweet corn (K + CWHR) at 0.1 part per million (ppm).

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the notice of published rulemaking (47 FR 13536, March 31, 1982). The pesticide is considered useful for the purpose for which the tolerance is sought and it is concluded that establishment of the tolerance will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 9, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Effective on June 9, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 25, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.259 is amended by adding and alphabetically inserting the commodity fresh corn, including sweet corn (kernels + cob with husks removed), to read as follows:

§ 180.259 Propargite; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Corn, fresh (including sweet K + CWHR)	0.1
* * * * *	

[FR Doc. 82-15447 Filed 6-8-82; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 48, Supp. 2]

New Data Requirements

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to May 19, 1984, the expiration dates of FPR Temporary Regulation 48 and Supplement 1. This extension is necessary to continue the current requirement for contract data reporting pending development of revised requirements and forms.

DATES: Effective date: May 19, 1982; expiration date: May 19, 1984.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (202–523–4755).

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

In 41 CFR Chapter 1, this temporary regulation is listed in the appendix at the end of the chapter.

May 24, 1982.

[Federal Procurement Regs., Temporary Reg. 48, Supplement 2]

New Data Requirements

1. *Purpose.* This supplement extends the expiration date of FPR Temporary Regulation 48.

2. *Effective date.* This supplement is effective May 19, 1982.

3. *Expiration date.* This supplement expires on May 19, 1984.

4. *Explanation of changes.* The expiration dates in paragraph 3 of FPR Temporary Regulation 48 and Supplement 1 are revised to May 19, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82–15581 Filed 6–8–82; 8:45 am]

BILLING CODE 6820–61–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6325]

Suspension of Community Eligibility Under the National Flood Insurance Program

Correction

In FR Doc. 82–14402 appearing at page 23168 in the issue for Thursday, May 27, 1982, make the following correction:

On page 23170, in the table, for Pennsylvania, Beaver County, Pulaski township, the dates in the column "Effective dates of authorization/ cancellation of sale of flood insurance in community" should have read as follows: "Dec. 31, 1975, emergency; June 1, 1982, regular; June 1, 1982, suspended."

BILLING CODE 1505–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects the domestic annual harvest (DAH) amount for *Illex* squid contained in Appendix I to 50 CFR 611.20, which was amended at 47 FR 20776 on May 14, 1982. The DAH for *Illex* should read 5000 metric tons, not 7000 metric tons.

FOR FURTHER INFORMATION CONTACT: Salvatore Testaverde, Gloucester, MA, 617–281–3273.

Dated: June 3, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

NOAA corrects FR Doc. 82–13246 appearing on 20776 in the issue of May 14, 1982 as follows:

§ 611.20 [Corrected]

In § 611.20, Appendix I, the entry under DAH for Squid, *Illex* is corrected to read "5000".

(16 U.S.C. 1801 *et seq.*)

[FR Doc. 82–15603 Filed 6–8–82; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 47, No. 111
Wednesday, June 9, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg. B; Docket No. R-0203]

Equal Credit Opportunity; Proposed Board Interpretations; Consideration of Income and Disclosure of Reasons for Adverse Action

Correction

In FR Doc. 82-14708 appearing on page 23738 in the issue of Tuesday, June 1, 1982, make the following corrections to § 202.901:

(1) On page 23740, third column, in paragraph (a) of § 202.901, the footnote at the bottom of the column was incorrectly printed. The text in small type beginning "Any notification * * *" and running through the top 18 lines of the next column should come after "* * * states in relevant part:".

(2) On page 23741, first column, the paragraphs now designated (e), (f), and (g) should be redesignated (d), (e), and (f).

BILLING CODE 1505-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 202, 203, 204, 208, 211, 212, 213, 215, 294 and 298

[EDR-443; Economic Regulation Docket 40734]

U.S and Foreign Air Carriers; Waiver of Warsaw Convention Liability Limits and Defenses

Dated May 26, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to require U.S. and foreign air carriers to waive the Warsaw Convention provisions that place a low limit on carriers' liability to passenger for death or injuries. Under the proposal, they would have to become a party to the Montreal Agreement, which increases the Warsaw Convention liability limit to $75,000 and explicitly waives the carriers' defense that they were not negligent as is permitted under the Convention (in effect creating strict liability). Carriers issued license authority by the Board or operating in air transportation would be deemed to have accepted the provisions of the Montreal Agreement. Carriers would be required to make the terms of the Montreal Agreement part of the transportation contract with the passenger. The Board is taking this action on its own initiative to fill a possible gap in adherence to the Montreal Agreement caused by deregulation.

DATES: Comments by: August 9, 1982. Reply comments by: August 24, 1982.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 24, 1982.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 40734, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202-673-5928), Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

Background

In 1934, the United States became a party to an international treaty generally known as the Warsaw Convention (49 Stat. 3000). Among other things, the Warsaw Convention provided a limit on the liability of air carriers with respect to the death or injury of a passenger in international travel of approximately $10,000 (based on the 1974 official value of gold). The limit applies also to domestic segments of an international journey when the passenger holds a ticket providing an interline connection to a foreign point.

In 1965 the United States filed a notice of denunciation of the Warsaw Convention because of its dissatisfaction with the passenger liability limit. The United States withdrew its notice of denuniciation just prior to its effective date because all carriers (U.S. and foreign) serving the United States at that time (including U.S. domestic carriers) entered into the so-called Montreal Interim Agreement (CAB Agreement 18900, approved by Board Order E-23680, May 13, 1966). That Agreement increases the passenger liability limit under the Warsaw Convention to $75,000, in accordance with the provisions of Article 22(1) of the Convention permitting such increase by special contract. The Montreal Agreement further waives the provision allowing the carrier to prove absence of negligence on its part as a defense under Article 20(1) of the Convention, in effect creating strict liability for passenger deaths or injuries. It applies to international transportation to, from, or with an agreed stopping place in, the United States where the Warsaw Convention would be applicable.

Since the effective date of the Montreal Agreement, the Board has included a condition in foreign air carrier permits requiring that such carriers become and remain parties to the Agreement. The Board's rules for U.S. air taxi operators (14 CFR 298.3(a)(5), 298.70) also require adherence to the Montreal Agreement by commuter and certain other air taxi operators. The Board had not imposed a similar requirement for certificated U.S. air carriers, since few new U.S. carriers were being licensed, and all had voluntarily participated in the Agreement.

With the recent increase in the number of new U.S. carriers following the Airline Deregulation Act of 1978 (Pub. L. 95-504), it has become apparent that the previous *ad hoc* procedures for requesting voluntary adherence to the Montreal Agreement leave open the possibility that some U.S. carriers might not adhere to that Agreement. In such a case, it may be possible that passengers traveling on those carriers could be subjected to the very low liability limit provided for in the Convention. Therefore, in adopting its recent rules setting forth requirements for aircraft

accident liability insurance (ER-1253, 46 FR 52572, October 27, 1981), the Board announced its intention to issue a proposed rulemaking to require all U.S. carriers to become signatories to the 1966 Montreal Agreement. The effect of these proposed rules will be to apply to certificated U.S. carriers the same requirements of adherence to the Montreal Agreement as are currently applied to foreign air carriers, commuters, and some other air taxi operators.

The continued adherence of the United States to the Warsaw Convention, including the passenger liability limitations, is based on the participation by all U.S. and foreign air carriers (with the exception of certain domestic on-demand air taxi operators that do not interline or engage in foreign air transportation) in the Montreal Agreement, so as to permit passenger liability recoveries up to $75,000, and to require a waiver of the Convention's carrier defenses. It would be contrary to the public interest to leave open the possibility that passengers traveling to and from the United States could be subject to the very low limitation specified in the Convention rather than the $75,000 limit under the Montreal Agreement.

Acceptance of Montreal Agreement

The proposed rule in new Part 203 requires that all U.S. and foreign direct air carriers file a signed counterpart of the Montreal Agreement (CAB Agreement 18900) or any amendment to that Agreement approved by the Board. The counterpart to the Agreement is now published by the Board as CAB Form 263. That form would continue to be used. Commuter air carriers and other U.S. air taxi operators could alternatively use the proposed revised CAB registration form (CAB Form 298-A), as explained below. In addition, there should be no possibility that a passenger could be subject to the very low passenger liability limit of the Convention simply because a carrier, contrary to the provisions of the proposed rule, and (for a foreign air carrier) in violation of the express condition contained in its permit, had neglected to file a signed counterpart of the Montreal Agreement with the Board. Accordingly, the proposed rule provides that, notwithstanding the failure to file a counterpart of the Agreement as required by the proposed rule, any air carrier or foreign air carrier to which the regulation is applicable shall, by virtue of its acceptance of operating authority (including that by exemption) from the Board or its operations in air transportation, be deemed to have accepted the provisions of CAB Agreement 18900 as fully as if it had in fact filed a properly executed counterpart to the Montreal Agreement.

Special Passenger Contract

The Warsaw Convention requires that in order for a carrier to avail itself of the limits of liability provided in the Convention, a ticket must be delivered to the passenger that includes a notice of the liability limitations. The Montreal Agreement in turn provides that its waiver of the Warsaw Convention's passenger liability limit and carrier defense must be included in the carrier's conditions of carriage, "including tariffs embodying conditions of carriage filed by it with any government." The purpose of that provision of the Montreal Ageement is to ensure that there would be no question that a special agreement exists between the carrier and its passengers, within the meaning of Article 22(l) of the Convention. That Article provides for the applicability of higher limits by special agreement between the carrier and its passengers. Therefore, in 14 CFR 298.70 we required a special one-page tariff to be filed by U.S. air taxi operators, even though those air taxi operators generally do not otherwise file tariffs. Other U.S. and foreign air carriers, unless exempted from tariff filing, are required by 14 CFR 221.38(j) and the Agreement to put the Montreal Agreement's terms in their required tariffs.

With deregulation, there are more carriers that are not required to file any tariffs. For example, charter carriers are currently exempted from filing tariffs (14 CFR 221.3(d)). Further, under the Airline Deregulation Act all domestic tariff filings will end on January 1, 1983. Under these circumstances, the requirement of a special tariff merely to avoid any question as to the existence of an agreement between the airline and its passengers under Article 22(l) of the Convention appears to be needlessly awkward and administratively burdensome. As is true of any tariff, it is also not an effective means of telling passengers of its terms. Therefore, we will not require carriers not otherwise generally required to file a tariff to file a special tariff for Montreal Agreement purposes.

The proposed rule assures the existence of the special agreement contemplated by the Convention and the Montreal Agreement in two ways. It would specify that, in accordance with the Montreal Agreement, a carrier must give a notice as provided in that Agreement, in accordance with the requirements of 14 CFR 221.75, along with the ticket. That ticket and notice would constitute an explicit special agreement with the passenger implementing the terms of the Montreal Agreement. In addition, the proposed rule states that the required participation in the Montreal Agreement, whether by signing a counterpart or by operation of law under the rule, shall constitute an agreement between the carrier and its passengers as a condition of carriage that for death or injury a liability limit of not less than $75,000 shall apply under Article 22(l) of the Warsaw Convention. It shall further constitute a waiver of the carrier's defense of non-negligence allowed under Article 20(l) of the Convention. Of course, in accordance with the provisions of the Montreal Agreement and 14 CFR 221.38(j), carriers otherwise generally required to file tariffs would have to incorporate the provisions of the Montreal Agreement in their tariffs. All carriers must thus include that Agreement in their conditions of carriage, regardless of the form those conditions may take.

U.S. Air Taxi Operators

Instead of requiring the carrier's signature separately on the U.S. air taxi registration form (CAB Form 298-A) and the counterpart to the Montreal Agreement (CAB Form 263), the proposed rule would incorporate the Montreal Agreement (CAB Agreement 18900) by reference in the air taxi registration form. The effect of this change would be that the U.S. air taxi operator's signature on the registration form would constitute signing a counterpart to the Montreal Agreement for air taxi operators then or later operating in air transportation to which the Agreement applies. The full text of the Agreement would be distributed to air taxi operators in their registration packets. In addition, CAB Form 263 would be made an appendix to Part 203. It is attached as Attachnment I to this notice of proposed rulemaking. The proposed revised CAB Form 298-A is attached as Attachment II to this notice of proposed rulemaking. The previous one-page tariff form (CAB Form 298-B) would be eliminated.

Air taxi operators that have already filed CAB Form 263 and CAB Form 298-B would not need to re-file.

Miscellaneous

Sections 204.5, 204.6, and 204.7 would be amended to include a signed counterpart to CAB Agreement 18900 (CAB Form 263 or alternatively the revised CAB Form 298-A for air taxi operators) among data to be filed for

fitness determinations. A similar revision would be made to the Appendix to Part 211, with respect to data filed by applicants for foreign air carrier permits. Amendments would also be made to Parts 202, 208, 212, 213, 294 and 298, providing that adherence to the requirements of this rule, filing of a counterpart to the Agreement and filing of a tariff (for those carriers otherwise generally required to file tariffs) shall be an express condition to the certificates, permits, or exemptions to which those regulations are respectively applicable. Part 215 would be amended to require filing of a new counterpart to the Agreement when a carrier applies for a change in name. The filing would not be required for use of a trade name.

The Board recently issued a notice of proposed rulemaking in Docket 40336 (EDR-439/SPDR-86, 47 FR 7443, February 19, 1982), that proposes to replace Parts 207, 208, and 212, concerning charter operations by U.S. and foreign air carriers, with a new Part 212. This notice of proposed rulemaking also proposes to amend Parts 208 and 212. If the rule proposed in D. 40336 is adopted, conforming changes will be made in new Part 212 in accordance with this notice.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that none of these proposed changes will, if adopted, have a significant economic impact on a substantial number of small entities. Commuters and some other air taxi operators are already required to become parties to the Montreal Agreement, as are foreign air carriers. Although there may be among the newer certificated U.S. air carriers some small businesses that are not currently parties to the Montreal Agreement, there number is small. Moreover, the economic impact of party status would be negligible, since higher liability insurance coverage is already required by the Board's rules.

List of Subjects

14 CFR Parts 202, 204, 208, 211, 212, 213, 215, 294 and 298

Air carriers, Air taxis, Air transportation-foreign, Aircraft, Airports, Alaska, Antitrust, Canada, Charter flights, Consumer protection, Essential air service, Insurance, Reporting requirements, Surety bonds, Trade names, Travel agents.

14 CFR Part 203

Air carriers, Air transportation, Foreign relations, Intergovernmental relations.

Proposed Rule

The Civil Aeronautics Board proposes to amend 14 CFR Chapter II as follows:

PART 202—CERTIFICATES AUTHORIZING SCHEDULED ROUTE SERVICE: TERMS, CONDITIONS, AND LIMITATIONS

1. In Part 202, a new § 202.12 would be added to read:

§ 202.12 Filing requirements for adherence to Montreal Agreement.

It shall be a condition upon the holding of a certificate that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263), and a tariff (for those carriers otherwise generally required to file tariffs) that includes its terms, and that the holder comply with all other other requirements of Part 203. CAB Form 263 may be obtained from the Publications Services Division, Civil Aeronauatics Board, Washington, D.C. 20428.

2. A new Part 203 would be added to read:

PART 203—WAIVER OF WARSAW CONVENTION LIABILITY LIMITS AND DEFENSES

Sec.

203.1 Scope.
203.2 Applicability.
203.3 Filing requirements for adherence to Montreal Agreement.
203.4 Montreal Agreement as part of airline-passenger contract and conditions of carriage.
203.5 Compliance as condition on operations in air transporation.

Authority: Secs. 101, 204, 401, 402, 408, 404, 407, 411, 416, 417, 418, 419; 72 Stat. 737, 743, 754, 757, 758, 760, 766, 769, 771; 76 Stat. 145; 91 Stat. 1284; 92 Stat. 1732; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1378, 1387, 1388, 1389.

§ 203.1 Scope.

This part requires that certain U.S. and foreign direct air carriers waive the passenger liability limits and certain carrier defenses in the Warsaw Convention in accordance with the provisions of CAB Agreement 18900, dated May 13, 1966, and provides that acceptance of authority for, or operations by the carrier in, air transportation shall be considered to act as such a waiver by that carrier.

§ 203.2 Applicability.

This part applies to all U.S. and foerign direct air carriers, except for air taxi operators as defined in Part 298 of this chapter that neither (a) are commuter air carriers, (b) participate in interline agreements, nor (c) engage in foreign air transportation.

§ 203.3 Filing requirements for adherence to Montreal Agreement.

All U.S. and foreign direct air carriers shall have and maintain in effect and on file in the Board's Docket Section (Docket 17325) on CAB Form 263 a signed counterpart to CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and Hague Protocol approved by the Board Order E-23680, dated May 13, 1966, and a signed counterpart of any amendment or amendments to such Agreement that may be approved by the Board and to which the air carrier or foreign air carrier becomes a party. U.S. air taxi operators may comply with this requirement by signing and filing CAB Form 298-A with the Board's Special Authorities Division. Canadian charter air taxi operators registering under Part 294 of this chapter may comply by filing CAB Form 263 with their registration application with the Regulatory Affairs Division, Bureau of International Aviation. CAB Form 263 is set forth as Appendix A to this part. CAB Forms 263 and 298-A can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

§ 203.4 Montreal Agreement as part of airline-passenger contract and conditions carriage.

(a) As required by the Montreal Agreement, carriers that are otherwise generally required to file tariffs shall file with the Board's Tariff Division a tariff that includes the provisions of the counterpart to CAB Agreement 18900.

(b) As further required by that Agreement, each participating carrier shall include the Agreement's terms as part of its conditions of carriage. The participating carrier shall give each of its passengers the notice required by the Montreal Agreement in the manner specified by § 221.175 of this chapter.

(c) Participation in the Montreal Agreement, whether by signing the Agreement, filing a signed counterpart to it under § 203.3, or by operation of law under § 203.5, shall constitute a special agreement between the carrier and its passengers as a condition of carriage that a liability limit of not less than $75,000 (U.S.) shall apply under Article 22(1) of this Warsaw Convention

for passenger injury and death. Such participation also constitutes a waiver to the defense under Article 20(1) of the Convention that the carrier was not negligent.

§ 203.5 Compliance as condition on operations in air transportation.

It shall be a condition on the authority of all U.S. and foreign direct air carriers to operate in air transportation that they have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900, and a tariff (for those carriers otherwise generally required to file tariffs) that includes its provisions, as required by this subpart. Notwithstanding any failure to file that counterpart and such tariff, any such air carrier or foreign air carrier issued license authority (including exemptions) by the Board or operating in air transportation shall be deemed to have agreed to the provisions of CAB Agreement 18900 as fully as if the air carrier or foreign air carrier had in fact filed a properly executed counterpart to that Agreement and tariff.

Appendix A

(See Attachment I to this notice of proposed rulemaking.)

PART 204—DATA TO SUPPORT FITNESS DETERMINATIONS

3. A. In Part 204, a new paragraph (v) would be added to § 204.5 to read:

§ 204.5 Applicants for certificate authority not currently certificated.

* * * * *

(v) A signed counterpart of CAB Agreement 18900 (CAB Form 263) as required by Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

B. In Part 204, a new paragraph (a)(22) would be added to § 204.6 to read:

§ 204.6 Carriers providing or proposing to provide essential air transportation.

(a) * * *

(22) A signed counterpart of CAB Agreement 18900 (CAB Form 263 or CAB Form 298–A for air taxi operators), as required by Part 203 of this chapter. Those forms can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

C. In Part 204, a new paragraph (r) would be added to § 204.7 to read:

§ 204.7 Commuter carriers serving an eligible point but not providing essential air service or applying for certificate authority.

* * * * *

(r) A signed counterpart of CAB Agreement 18900 (CAB Form 263 or CAB Form 298–A), as required by Part 203 of this chapter. Those forms can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER AIR TRANSPORTATION

4. In Part 208, the subheading, *Liability Insurance Requirements,* under Subpart A, *General Provisions,* would be revised and a new § 208.11 would be added to read:

Subpart A—General Provisions

* * * * *

Liability Insurance Requirements, Waiver of Warsaw Convention Liability Limits

* * * * *

§ 208.11 Filing requirements for adherence to Montreal Agreement.

It shall be a condition upon the holding of a certificate or other authority authorizing air transportation that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900, (CAB Form 263), and comply with all other requirements of Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

5. In Part 211, a new paragraph i. would be added to paragraph 10 of the Appendix, *Request for Evidence,* to read:

i. Submit three copies of CAB Agreement 18900 (CAB Form 263), as required by Part 203 of this chapter. CAB Form 263 can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

7. In Part 212, a new § 212.11 would be added to read:

§ 212.11 Filing requirements for adherence to Montreal Agreement.

It shall be a condition upon the holding of a foreign air carrier permit or other authority authorizing direct foreign charter air transportation that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263) and comply with all other requirements of Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

PART 213—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

7. In part 213, a new § 213.7 would be added to read:

§ 213.7 Filing requirements for adherence to Montreal Agreement.

It shall be a condition upon the holding of a foreign air carrier permit or other authority authorizing direct foreign scheduled air transportation that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263) and a tariff (for those carriers otherwise generally required to file tariffs) that includes its provisions, and comply with all other requirements of Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

PART 215—NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

8. In Part 215, a new paragraph (c) would be added to § 215.3 to read:

§ 215.3 Change of name or use of trade name.

* * * * *

(c) *Montreal Agreement.* Each application for a change in name under this section shall be accompanied by 3 copies of a counterpart to the Montreal Agreement (CAB 18900) (CAB Form 263 or in the alternative CAB Form 298–A for U.S. air taxi operators) signed by the carrier using the proposed name change.

PART 294—CANADIAN CHARTER AIR TAXI OPERATORS

9. In Part 294, § 294.3(d) would be revised to read:

§ 294.3 General requirements for Canadian charter air taxi operators.

* * * * *

(d) Has and maintains in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263) and complies with all other requirements of Part 203 of this chapter.

PART 298—EXEMPTIONS FOR AIR TAXI OPERATIONS

10. A. In part 298, § 298.3(a)(5) would be revised to read:

§ 298.3 Classification.

(a) * * *

(5) If operating as a consumer air carrier or in foreign air transportation, or participating in an interline agreement, have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263 or CAB Form 298–A (Revised)) and comply with all other requirements of Part 203 of this chapter.

B. In part 298, a new paragraph (c)(4) would be added to § 298.21 to read:

§ 298.21 Filing for registration by air taxi operators.

* * * * *

(c) * * *

(4) For air taxi operators that (i) are commuter air carriers, (ii) engage in foreign air transportation, or (iii) participate in an interline agreement, a signed counterpart of CAB Agreement 18900 (CAB Form 263), which may be the revised registration form (CAB Form 298–A), as required by Part 203 of this chapter. These forms can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

Subpart G—§ 298.70 [Reserved]

C. Subpart G—*Waiver of Liability Limits Under the Warsaw Convention* would be removed and reserved.

11. The Tables of Contents of Parts 202, 208, 212, 213, and 298 would be amended accordingly.

12. The proposed revision to CAB Form 298–A is attached as Attachment II.

Attachment I

Proposed Appendix A to Part 203

CAB Form 263 (5–70)—Docket 17325

Agreement

The undersigned carriers (hereinafter referred to as "the Carriers") hereby agree as follows:

1. Each of the Carriers shall, effective May 16, 1966, include the following in its conditions of carriage, including tariffs embodying conditions of carriage filed by it with any government:

"The Carrier shall avail itself of the limitation of liability provided in the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw October 12th, 1929, or provided in the said Convention as amended by the Protocol signed at The Hague September 28th, 1955. However, in accordance with Article 22(l) of said Convention, or said Convention as amended by said Protocol, the Carrier agrees that, as to all international transportation by the Carrier as defined in the said Convention or said United States of America as a point of origin, point of destination, or agreed stopping place.

(1) The limit of liability for each passenger for death, wounding, or other bodily injury shall be the sum of U.S. $75,000 inclusive of legal fees and costs, except that, in case of a claim brought in a State where provision is made for separate award of legal fees and costs, the limit shall be the sum of U.S. $58,000 exclusive of legal fees and costs.

(2) The Carrier shall not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of any defense under Article 20(1) of said Convention or said Convention as amended by said Protocol.

Nothing herein shall be deemed to affect the rights and liabilities of the Carrier with regard to any claim brought by, on behalf of, or in respect of any person who has wilfully caused damage which resulted in death, wounding, or other bodily injury of a passenger."

2. Each Carrier shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention, or the Convention as amended by the Hague Protocol, and by the special contract described in paragraph 1, the following notice, which shall be printed in type at least as large as 10 point modern type and in ink contrasting with the stock on (i) each ticket; (ii) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (iii) on the ticket envelope:

Advice to International Passenger on Limitation of Liability

Passengers on a journey involving an ultimate destination or a stop in a country other than the country of origin are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to the entire journey, including any portion entirely within the country of origin or destination. For such passengers on a journey to, from or with an agreed stopping place in the United States of America, the Convention and special contracts of carriage embodied in applicable tariffs provide that the liability of [certain] * [(name of carrier) and certain other] carriers parties to such special contracts for death of or personal injury to passengers is limited in most cases to proven damages not to exceed U.S. $75,000 per passenger, and that this liability up to such limit shall not depend on negligence on the part of the carrier. For such passengers travelling by a carrier not a party to such special contracts or on a journey not to, from, or having an agreed stopping place in the United States of America, liability of the carrier for death or personal injury to passengers is limited in most cases to approximately U.S. $8,290 or U.S. $16,580.

The names of Carriers parties to such special contracts are available at all ticket offices of such carriers and may be examined on request.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention or such special contracts of carriage. For further information please consult your airline or insurance company representative."

3. This Agreement shall be filed with the Civil Aeronautics Board of the United States for approval pursuant to Section 412 of the Federal Aviation Act of 1958, as amended, and filed with other governments as required. The Agreement shall become effective upon approval by said Board pursuant to said Section 412.

4. This Agreement may be signed in any number of counterparts, all of which shall constitute one Agreement. Any Carrier may become a party to this Agreement by signing a counterpart hereof and depositing it with said Civil Aeronautics Board.

5. Any Carrier party hereto may withdraw from this Agreement by giving twelve (12) months' written notice of withdrawal to said Civil Aeronautics Board and the other Carriers parties to the Agreement.

Date _____

(Name of Carrier) _____

by (Signature and Title of Carrier Official) _____

(Address) _____

BILLING CODE 6320-01-M

*Either alternative may be used.

ATTACHMENT II

CAB Form 298–A
(Proposed Revision)

AIR TAXI OPERATOR AND COMMUTER AIR CARRIER REGISTRATION AND AMENDMENTS UNDER PART 298 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD

FOR USE BY CAB ONLY

INSTRUCTIONS: Please submit this form in duplicate to Special Authorities Division, Civil Aeronautics Board, Washington, D.C. 20428. If this is an initial registration, enclose a $15 fee (check, draft, or postal money order) payable to the Civil Aeronautics Board. There is no filing fee for amendments to information previously filed.

Effective date of registration/amendments

1. Name and Mailing Address of the Registering Carrier:

2. Address of principal place of business (if different from above), and the carrier's Area Code and Telephone Number:

3. Federal Aviation Administration certificate number (if any), and address and telephone number of local FAA office:

4. Is this filing the carrier's:

☐ Initial ☐ Amendment to reflect changes since previous filing

If initial registration, give proposed date of commencement of operations _____.

5. Check type or types of service the carrier intends to perform upon commencement of operations, or, for amendments, service the carrier is currently performing:

☐ *scheduled passenger ☐ on-demand passenger

☐ scheduled cargo ☐ on-demand cargo

☐ mail under a U. S. Postal Service contract ☐ **other

*Check only if service is of at least five (5) round trips per week on at least one route between two or more points and is operated pursuant to published flight schedules which specify the times, days of the week, and places between which such flights are performed. If not already submitted, a copy of such schedules, or proposed schedules, should be enclosed with this registration.

**For example, if the carrier performs air ambulance operations, or fire fighting operations for the U.S. Forest Service, or if the operations are seasonal, it should be indicated here.

6. Aircraft which the carrier proposes to operate in air taxi or commuter service or, for amendments, aircraft currently operated:

	Aircraft Type/Make	FAA Registration Number	Passenger Seats Installed*
1.			
2.			
3.			
4.			
5.			

(Add additional sheets if necessary)

*This does not include seats occupied by the pilot or co-pilot unless the latter is available for passenger use.

7. Is the registering carrier a U.S. citizen? NOTE: Under the Federal Aviation Act a corporation is a U.S. citizen only if the president and two-thirds or more of the officers and directors are U.S. citizens and 75 percent of the voting interest is owned or controlled by U.S. citizens.

☐ YES ☐ NO

8. If this is an amendment, state whether the carrier has carried passengers in foreign air transportation, that is, between any point in the United States and any point outside thereof, during the past 12 months:

☐ YES ☐ NO

9. (For use in reporting any changes or amendments to information previously filed).

a. Change in carrier's name and/or address:

b. Description of any other changes or amendments:

10. Certification

I certify that the information contained in this application is complete and accurate to the best of my knowledge. If operating as a commuter air carrier or in foreign air transportation or participating in an interline agreement, the carrier subscribes to CAB Agreement 18900 (included as Appendix A to 14 CFR Part 203 of the Board's regulations), and in accordance with that Agreement agrees that a liability limit of not less than $75,000 shall apply under Article 22(1) of the Warsaw Convention for passenger injury or death in international transportation as defined in the Convention.

Signature: _____
(see note)

Date: _____

Name: _____
(Please type)

Place: _____
(City and State)

Title: _____

NOTE: This registration must be signed by a responsible officer, such as the President, Vice President, Secretary or Treasurer, or partner or owner of the carrier.

BILLING CODE 6320-01-C

(Sec. 101, 204, 401, 402, 403, 404, 407, 411, 416, 417, 418, 419; 72 Stat. 737, 743, 754, 757, 758, 760, 766, 769, 771; 76 Stat. 145; 91 Stat. 1284; 92 Stat. 1732; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1378, 1387, 1388, 1389)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-15635 Filed 6-8-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-17-82]

Deep Discount Industrial Development Bonds; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the determination of the amount of proceeds of issues of industrial development bonds sold by the issuer at a substantial discount. This amount is used in determining whether "substantially all" of the bond proceeds are used for an "exempt purpose", i.e. those described in section 103(b) (4), (5), (6), or (7) of the Internal Revenue Code, and for purposes of the "major portion" test in section 103(b)(2). The regulations would affect issuers, holders, and recipients of the proceeds of industrial development bonds of the type described above.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 9, 1982. If adopted the amendments will apply to obligations sold after June 4, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Diane L. Kroupa of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

The Treasury Department and Internal Revenue Service have learned that prospective issues of industrial development bonds are being structured so that either interest does not become payable at least annually or the coupon interest rates are significantly lower than the bonds' yield. These bonds are to be sold at a large discount from their face amount. Structuring issues in this manner departs from traditional practice and, in certain circumstances, would significantly increase the amount of tax-exempt indebtedness outstanding over the term of the issue when compared to an issue sold at par for the same amount as the discount bonds, with interest payable at least annually. The increased tax-exempt indebtedness outstanding under the discount issue would be attributable, in effect, to a borrowing of working capital in a manner that may violate the "substantially all" requirements of section 103(b). The amount of working capital in any year effectively borrowed by this means would be an amount of interest that would have been payable in that year if the bonds had been sold at par with equal annual interest payments, less the amount actually payable during the year.

Section 107 of the Revenue and Expenditure Control Act of 1968 (Pub. L. 90-364; 82 Stat. 266) amended Code section 103 to provide that interest on industrial development bonds generally is includable in the recipient's gross income. Paragraphs (4), (5), (6), and (7) of section 103(b) contain exceptions to the general rule. However, these exceptions apply only if "substantially all of the proceeds" of the issue are used to provide certain types of facilities or are used for an advance refunding of obligations that were used to provide qualified public facilities. Under § 1.103-8(a) of the Income Tax Regulations (26 CFR Part 1), the "substantially all" requirement is satisfied if 90 percent of the proceeds are so used.

This document proposes amendments to the regulations to make it clear that included in the proceeds of an issue is an additional amount equal to interest the payment of which is deferred because the issue does not provide for annual payments equal to the interest on outstanding bonds, accruing at a rate equal to the yield of such bonds, *e.g.*, a term issue of obligations sold by the issuer for less than its face amount. These retained amounts, which effectively are reinvested under the same terms as the original borrowing, are treated as part of the proceeds of the issue.

These amendments are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Provisions

Under the proposed rule, if the amount that becomes payable in any bond year with respect to an issue of industrial development bonds (whether in the form of interest payments or principal repayments) is less than the amount of interest accruing in that bond year on obligations that are part of the issue, the excess becomes imputed proceeds of the issue. For this purpose, interest accrues on an obligation at a rate equal to the yield of the obligation, based on annual compounding. The excess is treated as paid out and borrowed back, under the same terms as the original borrowing. Hence, the total amount that would be deemed paid out and borrowed back over the term of the issue is included as part of the proceeds of the issue and must be taken into account to determine whether the "substantially all" requirements of section 103(b) (4), (5), (6) or (7) and the "major portion" test of section 103(b)(2) are met.

Yield is computed in the same manner as required by the arbitrage regulations. Thus, the yield of an obligation would be its yield to maturity.

The proposed rule would not apply to obligations sold by an issuer at a nominal discount provided, in addition, that interest not attributable to the discount becomes payable in the year that it accrues. Nominal discount for this purpose would be no more than five percent of the face amount of the obligation.

This proposed rule would apply only to issues sold after June 4, 1982. Thus, it would not affect issues sold on or before June 4, 1982. The status of an industrial development bond refunding issue sold after this date will be determined without applying the proposed rule to the refunded issue if it was sold on or before the date.

The Treasury Department does not intend that the proposed rule would apply to qualified mortgage bonds (as defined in § 6a.103A-2) or qualified veterans' mortgage bonds (as defined in § 6a.103A-3).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Regulatory Flexibility Act

Although this is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Nonapplication of Executive Order 12291

The Treasury Department has determined that this proposed regulation is not subject to review under Executive Order 12291 or the Treasury or OMB implementation of the Order Dated April 28, 1982.

Drafting Information

The principal author of these proposed regulations is Diane L. Kroupa of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.61-1—1.281-4

Income taxes, Taxable income, Deductions, Exemptions, Industrial development bonds.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.103-7(b)(1) is amended by adding a sentence at the end thereof to read as follows:

§ 1.103-7 Industrial development bonds.

* * * * *

(b) *Industrial development bonds*—(1) *Definition.* * * * See § 1.103-8(a)(6) to determine the amount of proceeds of an issue for which the amount payable during each annual period over the term of the issue is less than the amount of interest accruing thereon in such period, *e.g.*, in the case of an issue sold by the issuer for less than its face amount.

* * * * *

Par. 2. Section 1.103-8(a) is amended by striking "(G)" where it appears in the first sentence of subparagraph (1)(i) and in the first sentence of subparagraph (4) and inserting in lieu thereof "(I)", by adding a new sentence at the end of subparagraph (1)(i), by revising subparagraph (6), and by adding new subparagraphs (7) and (8). These revised and added provisions read as follows:

§ 1.103-8 Interest on bonds to finance certain exempt facilities.

(a) In general—(1) *General rule.* * * * In the event the amount payable with respect to an issue during each annual period over its term is less than the amount of interest accruing thereon in such period, *e.g.*, in the case of an issue sold by the issuer for less than its face amount, see paragraph (a)(6) of this section to determine the amount of proceeds of the issue.

* * * * *

(6) *Deep discount obligations.* (i) Except as otherwise provided in paragraph (a)(7) of this section, the proceeds of any issue of obligations sold by the issuer after June 4, 1982 shall include any imputed proceeds of the issue. The imputed proceeds of an issue equal the sum of the amounts of imputed proceeds for each annual period (hereinafter, bond year) over the term of the issue.

(ii) The amount of imputed proceeds for a bond year equals—

(*a*) The sum of the amounts of interest that will accrue with respect to each obligation that is part of the issue in such year, reduced (but not below zero) by

(*b*) The sum of the amounts of principal and interest that become payable with respect to the issue in that bond year.

(iii) Interest will be deemed to accrue with respect to an obligation that is part of the issue on an amount that, as of the commencement of that year, is equal to the sum of—

(*a*) The purchase price (as defined in § 1.103-13(d)(2)) allocable to the obligation and

(*b*) The aggregate of the amounts of interest accruing in each prior bond year with respect to the obligation,

reduced by all amounts that became payable with respect to the obligation in prior bond years. Any amount that becomes payable during the 30 day period following any bond year will be deemed to have become payable in such bond year. Thus, to the extent interest on an obligation accruing during a bond year does not become payable within 30 days from the end of such year, it is treated as reinvested under the same terms as the obligation. For purposes of this subparagraph, the rate at which such interest accrues is equal to the yield of the obligation. Yield is computed in the same manner as set forth in § 1.103-13(c)(1)(ii) for computing yield on governmental obligations (assuming annual compounding of interest). Such computations shall be made without regard to optional call dates.

(7) *Deep discount obligations; special rules.*

(i) There are no imputed proceeds with respect to an obligation if—

(*a*) The obligation does not have a stated interest rate (determinable at the date of issue) that increases over the term of the obligation, and

(*b*) The purchase price of the obligation is at least 95 percent of its face amount.

At the option of the issuer, any obligation described in the preceding sentence may be disregarded in computing the imputed proceeds of the issue. If each obligation which is part of an issue is described in this subdivision (i), there are no imputed proceeds with respect to the issue.

(ii) If the actual rate at which interest it to accrue over the term of an obligation is indeterminable at the date of issue then, in computing the yield of the obligation for purposes of this paragraph, such rate shall be determined as if the conditions as of the date of issue will not change over the term of the obligation. Thus, for example, if interest on an obligation is to be paid semiannually at a rate equal to 80 percent of the yield on six month Treasury bills at the most recent public sale immediately prior to the corresponding interest payment date and the yield on six month Treasury bills sold immediately preceding the issue date is 10 percent, then the six month Treasury bill rate is deemed to be a constant 10 percent for purposes of determining the amount of imputed proceeds of the issue. Therefore, all interest payments on the obligation would be deemed to be made at a rate of 8 percent.

(8) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). State A issues its bonds and plans to use substantially all of the proceeds from such bond issue to purchase land and build a facility which will be used for one of the purposes described in section 103(b)(4) and this section. The arrangement provides that (1) A will issue bonds with a face amount of $21 million and with all accrued interest payable annually, the proceeds of which (after deducting bond election costs, costs of publishing notices, attorneys' fees, printing costs, trustees' fees for fiscal agents, and similar expenses) will be $20 million; (2) $18 million of the proceeds of the bond issue will be used to purchase land and to construct such facility; (3) $2 million of the proceeds will be used for an unrelated

facility which will be used by X, a nonexempt person, in a separate trade or business and for a purpose not described in section 103(b)(4) or (5); (4) X will rent both facilities for 20 years at an annual rental equal to the amount necessary to amortize the principal and pay the interest annually on the outstanding bonds; and (5) such payments by X and the facilities will be the security for the bonds. On these facts, substantially all of the proceeds will be used in connection with an exempt facility described in section 103(b)(4) and this section. Accordingly, section 103(b)(1) does not apply to the bonds unless such bonds are thereafter held by a person who is a substantial user of the facilities or a related person within the meaning of section 103(b)(10) and § 1.103–11.

Example (2). On July 1, 1982, State B sells an issue of its obligations to an underwriter in anticipation of a public offering. The initial offering price is $18,627,639.69 of which $17,000,000 is to be used to construct a pollution control facility described in section 103(b)(4)(F). X Corporation, a nonexempt person, is to use the facility and, in exchange, is obligated to pay an amount equal to the face amount of the issue when it becomes due. The obligations are issued on August 1, 1982. The face amount of the issue is $30,000,000. The issue is a term issue with all obligations maturing on August 1, 1987. The issue bears no stated rate of interest; there are no interest coupons on the obligations. The bonds are industrial development bonds with a yield (based upon annual compounding) of ten percent. Based on these facts, the amount of imputed proceeds with respect to the issue is determined as follows:

Date	Purchase price plus accumulated interest	Interest	Imputed proceeds
Aug. 1, 1983	$18,627,639.69	$1,862,763.97	$1,862,763.97
Aug. 1, 1984	20,490,403.66	2,049,040.37	2,049,040.37
Aug. 1, 1985	22,539,444.03	2,253,944.40	2,253,944.40
Aug. 1, 1986	24,793,388.43	2,479,338.84	2,479,338.84
Aug. 1, 1987	27,272,727.27	2,727,272.73	0
Total imputed proceeds			8,645,087.58

Therefore, proceeds of the issue equal $27,272,727.27 less issuance costs. Substantially all of the bond proceeds are not used to provide an exempt facility, and section 103(b)(1) applies to the issue.

Example (3). The facts are the same as example (2) except that the issue has a face amount and purchase price of $18,500,000. The issue also provides for one payment in addition to the redemption payment, in the amount of $10,267,668 payable on or after August 1, 1986, one year before maturity. Section 103(b)(1) applies to the issue.

Example (4). On July 1, 1982, City E sells an issue of industrial development bonds to provide for a convention facility, as described in section 103(b)(4)(C). Assume that the bonds are issued on that date as well. The issue has a face amount of $15,240,000 and a purchase price of $11,929,382.53. The estimated cost of the facility is $11,000,000. The bonds are "zero coupon" bonds, *i.e.*, there are no interest coupons. Each series is initially offered for less than 95 percent of its face amount. The issue matures serially over a five year period, with each series being allocated a part of the purchase price of the issue. The following chart indicates the purchase price and yield for each series and debt service for the issue:

[Amount allocable to each series]

Date	1983 series at 8 percent	1984 series at 8.5 percent	1985 series at 8.75 percent	1986 series at 9.25 percent	1987 series at 9.75 percent	Interest accruing on issue*	Amount due	Imputed proceeds
July 1, 1983	2,939,814.82	2,697,020.54	2,468,629.60	2,228,732.51	1,595,185.06			0
	235,185.18	229,246.75	216,005.09	206,157.76	155,530.54	1,042,125.32	3,175,000	
July 1, 1984		2,926,267.29	2,684,634.69	2,434,890.27	1,750,715.60			0
		248,732.71	234,905.54	225,227.35	170,694.77	879,560.37	3,175,000	
July 1, 1985			2,919,540.23	2,660,117.62	1,921,410.37			0
			255,459.77	246,060.88	187,337.51	688,858.16	3,175,000	
July 1, 1986				2,906,178.50	2,108,747.88			0
				268,821.50	205,602.92	474,424.42	3,175,000	
July 1, 1987					2,314,350.80			0
					225,649.20	225,649.20	2,540,000	
Total							15,240,000	

*This column (Interest Accruing on the Issue) contains the sums of the interest that accrues on each series in each bond year. The amount of interest accruing on the issue is computed by adding the amount of interest accruing on each series outstanding for that bond year (the bottom number in the line for each bond year). The amount of interest annually accruing on each series also is added to the purchase price of the series to determine the amount of interest accruing in subsequent years, inasmuch as there are no payments with respect to the outstanding series prior to maturity. Thus, the "principal" amount, of the top of the two numbers given in such line for each bond year, is the purchase price allocable to that series plus the amount of interest that accrued on that series in prior years.

There are no imputed proceeds because the amount payable on the issue in each bond year exceeds the total amount of interest accruing on the issue during such bond year. Section 103(b)(1) does not apply to the bonds unless such bonds are held by a person who is a substantial user of the facility or a related person within the meaning of section 103(b)(10) and § 1.103–11.

Example (5). On July 1, 1982, City C issues industrial development bonds in the face amount of $30 million to construct a sports facility described in section 103(b)(4)(B) to be leased to D, a nonexempt person, with payments on the bonds secured by the lease. C receives $30 million in exchange for the bonds which will be used to provide the facility. The bonds mature on July 1, 2002. Each bond provides for an annual interest payment equal to ten percent of the face amount of the bond, with the last payment thereon (on July 1, 2002) including a return of the principal amount of the bond. The proceeds of the issue are $30 million. Section 103(b)(1) does not apply to the bonds unless such bonds are held by a person who is a substantial user of the facility or a related person within the meaning of section 103(b)(10) and § 1.103–11.

Example (6). On July 1, 1982, City F sells an issue of industrial development bonds in the face amount of $20 million to acquire a parking facility as described in section 103(b)(4)(D). The estimated cost of the facility is $17,800,000. The issue is issued on the same date and will mature serially over the following ten years. Each bond that is part of the issue bears annual interest coupons, each of which is in an amount equal to ten percent of the face amount of the bond. Each maturity has a face amount of $2,000,000. The issue is initially offered to the public for $19,700,000, allocable to each maturity as follows:

Maturity	Purchase price
July 1, 1983	$1,990,000
July 1, 1984	$1,980,000
July 1, 1985	$1,980,000
July 1, 1986	$1,970,000
July 1, 1987	$1,970,000
July 1, 1988	$1,970,000
July 1, 1989	$1,960,000
July 1, 1990	$1,960,000
July 1, 1991	$1,960,000
July 1, 1992	$1,960,000

Based on the foregoing, issue proceeds equal $19,700,000 less issuance costs. There are no imputed proceeds with respect to this issue inasmuch as each bond pays interest at a constant rate in each bond year and the purchase price of each bond is at least 95 percent of its face amount. Substantially all of the proceeds are to be used to provide the exempt facility. Accordingly, section 103(b)(1) does not apply to the bonds unless such bonds are thereafter held by a person who is a substantial user of the facility or a related person within the meaning of section 103(b)(10) and § 1.103–11.

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-15590 Filed 6-4-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR 951

Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; correction.

SUMMARY: The Crow Tribe submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Notice of proposed rule was published May 18, 1982 (47 FR 21274). OSM is seeking public comment on the adequacy of the Tribe's Plan. This notice corrects the mailing address and telephone number of OSM's State Office.

DATES: Written comments on the Plan will be accepted until further notice.

ADDRESSES: Copies of the full text of the proposed Plan are available for review during regular business hours at the following locations:

State Office, Office of Surface Mining, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644.

Office of Surface Mining, Administrative Record, Room 5315, 1100 "L" St., NW., Washington, D.C. 20236.

The correct address for submitting written comments is: William Thomas, State Director, Office of Surface Mining, P.O. Box 1420, Mills, Wyoming 82644.

The Administrative Record will be available for public review at the State Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming, during regular business hours.

FOR FURTHER INFORMATION CONTACT: William Thomas, State Director, Office of Surface Mining, P.O. Box 1420, Mills, Wyoming 82644. The correct telephone number is 307/261–5777.

Dated: June 3, 1982.

W. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 82-15573 Filed 6-8-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Definition of Indian Tribe Population

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend § 51.32 of the revenue sharing regulations (46 FR 48034) entitled "Population" to conform the definition of the population of Indian tribes with past practice by eliminating the provision that Indians living in cities and towns on reservations or tribal trust lands are not counted towards the population of the tribe. The amendment does not apply to Indian tribes within the Oklahoma historic areas.

DATE: Written comments must be received on or before July 9, 1982.

ADDRESS: Send Comments To: Chief Counsel for Revenue Sharing; Office of Revenue Sharing, Treasury Department, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney, Office of Chief Counsel for Revenue Sharing, Washington D.C. 20226, Telephone (202) 634–5182.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 1981, the Office of Revenue Sharing (ORS) issued regulations (46 FR 48034) which contained a new § 51.32 "Population." Subsection (d) of this section defines Indian tribe population, in pertinent part, as follows:

"(d) *Population of Indian tribes and Alaskan native villages.* (1) The population of an Indian tribe or Alaskan native village is the resident population as of April, 1980, defined as—

(i) For Indian tribes, American Indians living on a reservation *minus those in cities and towns,* plus the number of American Indians living in Census Enumeration Districts (ED's) containing adjacent tribally owned trust lands of that tribe. Resident non-Indian members of families with an American Indian householder or spouse are also included in the population data (Emphasis added)."

The Bureau of Indian Affairs provided the ORS with population data for Indian tribes for Entitlement Periods 1 through 11 (January 1, 1972—September 30, 1980). The practice of the Bureau was to count all Indians living within the geographic boundaries of the reservation. Beginning with the final allocation for Entitlement Period 12, the Bureau of the Census began providing population data to the ORS. At that time, the ORS assumed that all Indians living in cities and towns, whether on the reservation or not, had previously been and were counted towards the population of the city or town only. The Bureau of the Census was instructed to count Indians in that manner. The regulation was intended to reflect preexisting policy based upon the assumption that a city or town within a reservation was independent of the tribal government of the reservation with respect to Indians living within the local government's boundary.

The ORS has subsequently determined that except in the State of Oklahoma, there is little, if any, distinction between an Indian tribe's legal relationship to its members living in cities on the reservation and those living elsewhere on the reservation. Generally, the tribes continue to provide services to the members within the reservation boundaries regardless of where they reside. Accordingly, the practice of the Bureau of Indian Affairs was correct in counting Indians living in cities and towns located on reservations towards the population of the tribe.

The proposed regulation would reestablish the policy of including Indians living in cities and towns on reservations in the population of those tribes, as well as in the population of the cities or towns of those reservations. This rule does not apply to Indian tribes located within the historic areas of the State of Oklahoma, with the exception of the Osage Tribal Council, because those tribes do not provide a substantial amount of governmental services to Indians in cities within the boundaries of historic reservation areas in Oklahoma.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354, hereinafter referred to as the RFA) requires that regulations with significant economic impact on a substantial number of "small entities" should undergo regulatory flexibility

analyses. With respect to the General Revenue Sharing Program, small entities are defined as recipient governments with a population below 50,000.

The proposed regulation makes a technical change to the existing regulations which affects only a small number of recipients of revenue sharing funds. Further, the proposed regulation imposes no additional paperwork, reporting or compliance burden on recipients. The proposed rule is primarily interpretative, providing needed guidance to revenue sharing recipients. The proposed regulations are therefore not expected to have a significant economic impact on small governmental units. Accordingly, the provision of the RFA are not applicable to this regulatory project, and an initial regulatory flexibility analysis is not required.

Executive Order 12291—"Federal Regulation"

The proposed regulations do not constitute a "major rule" within the meaning of Section 1(b) of Executive Order 12291, entitled "Federal Regulation." A regulatory analysis is therefore not required.

List of Subjects in 31 CFR Part 51

Accounting, Administrative practice and procedure, Civil rights, Handicapped, Aged, Indians, Revenue sharing, Reporting and record keeping requirements.

Authority

This proposed rule is issued under the authority of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512) as amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94–488), and the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96–604) and Treasury Department Order No. 244, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 242 (Revision No. 1) dated May 17, 1977.

Dated: April 30 1982.

Michael F. Hill,

Director, Office of Revenue Sharing.

31 CFR Part 51, § 51.32(d)(1) (i) is therefore proposed to be revised to read as follows:

§ 51.32 Population.

* * * * *

(d) *Population of Indian tribes and Alaskan native villages.* (1) the population of an Indian tribe or Alaskan native village is the resident population as of April 1, 1980, defined as—

(i) For indian tribes, American Indians living on a reservation plus the number of American Indians living in adjacent tribally owned trust lands of the tribe. The adjacent tribal trust lands may not conform exactly to their actual boundaries, since the boundaries used extend to the nearest physical or natural feature bordering the trust lands. Resident non-Indian members of families with an American Indian householder or spouse are also included in the population data.

* * * * *

[FR Doc. 82–15601 Filed 6–8–82; 8:45 am]
BILLING CODE 4810–28–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[OPP–250034; PH–FRL 2142–5]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Notification to the Secretary of Agriculture of Proposed Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation on registration procedures to eliminate the requirement for Agency approval of certain types of actions, to waive the requirement for submission of efficacy data for additional products, and to incorporate improvements in its child-resistant packaging requirement. This action is required by section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

FOR FURTHER INFORMATION CONTACT: Jean M. Frane, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1114C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–0592).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 92–516, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 752; 7 U.S.C. 136 et seq.) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the regulation within 30 days after receiving it, the Administrator shall issue in the **Federal Register,** with the proposed regulation, the comments of the Secretary and the response of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 30-day period.

Under FIFRA section 25(a)(3), a copy of this regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by section 25(d) of FIFRA. The Scientific Advisory Panel waived review.

(Sec. 25, (Pub. L. 92–515, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 753; (7 U.S.C. 136 et seq.)))

List of Subjects in 40 CFR Part 162

Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests, Administrative practice and procedure.

Dated: May 19, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82–15570 Filed 6–8–82; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 162

[OPP–250031A; PH–FRL 2138–7]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Notification to the Secretary of Agriculture of Proposed Exemption for Certain Products Containing Pheromone Attractants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: Notice is given that the Administator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation to exempt from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act all pheromones and identical chemicals intended for use in pheromone traps and pheromone baits in which those chemicals are the sole active pesticide ingredient. This action is required by section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

FOR FURTHER INFORMATION CONTACT: Robert Forrest or David Alexander, Registration Division (TS–767C), Office of Pesticide Programs, Environmental

Protection Agency, Rm. 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–0592)

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 92–516, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 752; 7 U.S.C. 136 et seq.) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the regulation within 30 days after receiving it, the Administrator shall issue in the **Federal Register,** with the proposed regulation, the comments of the Secretary and the response of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 30-day period.

Under FIFRA section 25(a)(3), a copy of this regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by section 25(d) of FIFRA. The Scientific Advisory Panel waived review.

(Sec. 25, (Pub. L. 92–515, 86 Stat. (973; Pub. L. 94–140, 89 Stat. 753; (7 U.S.C. 136 et seq.)))

List of Subjects in 40 CFR Part 162

Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests, Administrative practice and procedure.

Dated: May 19, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82–15438 Filed 6–8–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[OPP–300062; PH–FRL 2138–6]

Poly(Oxy-1,2-Ethanediyl), Alpha-(Carboxymethyl)-Omega-(Nonylphenoxy); Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(nonylphenoxy) be exempted from the requirement of a tolerance when used as an inert ingredient in pesticide formulations. This exemption was requested by Sandoz, Colors and Chemicals, Inc.

DATE: Written comments must be received on or before July 9, 1982.

ADDRESS: Written comments to: Peter Gray, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray (703–557–7700).

SUPPLEMENTARY INFORMATION: At the request of Sandoz, Colors and Chemicals, the Administrator proposes to amend 40 CFR 180.1001(c) by establishing an exemption from the requirement of a tolerance for poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(nonylphenoxy produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–90 moles of ethylene oxide.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to impley nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and the toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient. Poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(nonylphenoxy) produced by the condensation of 1 mile of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–90 moles of ethylene oxide.

Name and address of requestor. Sandoz, Colors and Chemical, East Hanover, NJ 07936.

The basis for approval is:

1. The proposal would permit pre- and post-harvest use of the acetate of a surfactant, "alpha-(*p*-Nonylphenyl)-omega-hydroxypoly-(oxyethylene) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer), with an average of 4–14 or 30–90 moles of ethylene oxide * * * "which is presently cleared in 40 CFR 180.1001(c).

2. The slight modification of the polymeric portion of the molecule by acetylation is not expected to significantly alter the mammalian toxicity, if any, of the parent moiety.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before July 9, 1982, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[OPP–300062]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection to the Process Coordination Branch (TS–767C), Room 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 27, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by adding and alphabetically inserting the inert ingredient poly (oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(nonylphenoxy) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–90 moles of ethylene oxide to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(nonylphenoxy) produced by the condensation of 1 mole of nonplyphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–90 moles of ethylene oxide. The Molecular weight ranges are 454–894 and 1598–4238.	.....	Surfactant.
* * * * *		

[FR Doc. 82-15439 Filed 6-8-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300061; PH-FRL 2138-5]

Alkyl (C_8-C_{18}) Sulfate; Proposed Exemptions From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to broaden the present exemption from the requirement of a tolerance listed in 40 CFR 180.1001(c) for alkyl (C_8-C_{18}) sulfate and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts to include isopropylamine salt. This action was requested by Alcolac, Inc.

DATE: Written comments must be received on or before July 9, 1982.

ADDRESS: Written comments to: Peter Gray, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray (703–557–7700).

SUPPLEMENTARY INFORMATION: At the request of Alcolac, Inc., the Administrator proposes to amend 40 CFR 180.1001(c) by broadening the exemption from the requirement of a tolerance for alkyl (C_8-C_{18}) sulfate and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts to include the isopropylamine salt.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Isopropylamine salt of alkyl (C_8-C_{18}) sulfate.

Name and address of requestor: Alcolac, Inc., 3440 Fairchild Rd., Baltimore, MD 21226.

Basis for approval:

1. This surfactant is a primary amine and, therefore, does not require analysis for *N*-nitroso contaminants.

2. Similar materials have been cleared under 40 CFR 180.1001 (c), (d), and (e).

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains this inert ingredient, may request on or before July 9, 1982, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number, "[OPP–300061]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS–767C), Room 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests.

Dated: May 27, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by revising the entry for alkyl (C_8-C_{18}) sulfate and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* *	* *	*
Alkyl (C_8-C_{18}) sulfate and its ammonium, calcium, isopropylamine, magnesium, potassium, sodium, and zinc salts.	.....	Surfactants.....
* *	* *	*

[FR Doc. 82-15440 Filed 6-8-82; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 81-413]

Authorization of Spread Spectrum and Other Wide Band Emissions Not Presently Provided for in the Rules and Regulations; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of reply comment period.

SUMMARY: The Office of Science and Technology has extended the period for reply comments in Docket 81-413, "Authorization of spread spectrum and other wideband emissions not presently provided for in the FCC Rules and Regulations," as petitioned by Hewlett-Packard Company and the Institute of Electrical and Electronic Engineers.

DATE: Reply comments must be submitted on or before September 30, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael Kennedy, Office of Science and Technology, 2025 M Street, N.W., Room 7334, Washington, D.C. 20554, (202) 632-7073.

SUPPLEMENTARY INFORMATION: In the matter of authorization of spread spectrum and other wide-band emissions not presently provided for in the FCC Rules and Regulations, Gen. Docket No. 81-413; (46 FR 51259; 10-19-81).

Order Extending Time for Filing Reply Comments

Adopted: May 28, 1982.
Released: June 3, 1982.

1. On May 7, 1982, the Hewlett-Packard Company, pursuant to § 1.46 of the Commission's Rules and Regulations, 47 CFR 1.46, filed a motion to extend the time for filing reply comments to September 30, 1982, in the above-captioned matter.

2. The petitioner indicates that "[t]he technical nature of this proceeding means that the Commission needs the best possible information about a variety of quantitative issues, such as interference standards and measurement procedures. By giving the parties an additional three months in which to evaluate each others' comments, the Commission will be ensuring itself a complete and comprehensive record on which to base its final decision, a decision with important implications for future commercial and industrial communications systems."

3. The Institute of Electrical and Electronic Engineers also requests an extension, indicating that additional time will be required for the civil communications community to develop the necessary concepts, understanding, and techniques for the uses of spread spectrum.

4. It is not the policy of the commission routinely to grant extensions of time. However, we believe that the complexity and the far-reaching consequences of this matter require full and complete comments to guide the Commission in its decision.

5. Accordingly, it is ordered, pursuant to § 0.241(d) of the Commission's Rules and Regulations, That the date for filing reply comments to this proceeding be extended to September 30, 1982.

Federal Communications Commission.
S. J. Lukasik,
Chief Scientist.

[FR Doc. 82-15585 Filed 6-8-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Parts 2, 21, 74 and 94

[Gen. Docket Nos. 80-112 and 80-113]

Amendment of the Commission's Rules in Regard to Frequency Allocation to Specific Services and to Technical Requirements Applicable to Those Services, Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Order accepting additional comments on proposed rule; Extension of time.

SUMMARY: This Order extends the time for filing comments on the Microband Corporation of America Urbanet proposal in order to allow the Commission to make a complete record of the proceedings.

This action will give interested parties an additional 30 days to comment on the Microband proposal.

DATE: Comments must be submitted on or before July 2, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kevin J. Kelley, Common Carrier Bureau, (202) 634-1779.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Parts 2, 21, 74 and 94 of the Commission rules and regulations in regard to frequency allocation to the Instructional Television Fixed Service, the Multipoint Distribution Service, and the Private Operational Fixed Microwave Service, Gen. Docket No. 80-112, and amendment of Parts 21, 74 and 94 of the Commission rules and regulations with regard to technical requirements applicable to the Multipoint Distribution Service, the Instructional Television Fixed Service and the Private Operational Fixed Microwave Service (OFS), Gen. Docket No. 80-113.

Order

Adopted: May 27, 1982.
Released: May 28, 1982.

1. On April 26, 1982, an "Order Accepting Additional Comments" was issued in the above-captioned proceedings.[1] This order was issued in response to a motion filed by Microband Corporation of America requesting that a 3 volume proposal it had submitted to the Commission be accepted as additional comments in these proceedings. The Order noted that all entities that filed comments in either of the proceedings had been served a copy of the proposal in February of 1982. It also noted that a copy of the proposal had been available in our public reference room since February 10, 1982. Public Notice of the receipt of the Microband proposal was issued on February 16, 1982 (FCC Public Notice No. 2227). On the basis of these considerations, we concluded that a 30 day comment period period commencing with the publication of the order in the **Federal Register** would afford interested parties adequate time to prepare and submit comments on the Microband proposal. The order appeared in the **Federal Register** on May 3, 1982, thus requiring that comments be submitted on or before June 2, 1982.

2. On May 12, 1982, a number of parties jointly submitted a "Request for Extension of Time to File Additional

[1] 47 FR 18932 (1982).

Comments" purusant to § 1.46 of the rules, 47 CFR 1.46, asking that the period for filing comments on the Microband proposal be extended until October 4, 1982.[2]

3. In their request the petitioners claim that since most of the Instructional Television Fixed Service (ITFS) licensees are educational institutions that are busiest at this time as the academic year ends, they have neither the time nor the resources necessary to prepare comments on the Microband proposal within 30 days. They further claim that resources necessary to prepare comments will be unavailable during the summer months. Finally they claim that since Microband had almost two years in which to develop its three volume proposal it would be unfair to require ITFS licensees to respond in 30 days.

4. Although requiring comments on the Microband proposal within 30 days of receipt might be unreasonable, that is not the situation before us. The Microband proposal has been available for study since February 10, 1982, almost 4 full months prior to the time for filing comments in this proceeding.[3] Furthermore, most of the issues raised by the Microband proposal are identical to the issues presented in the original notices in these proceedings. For example, petitioners state that the Microband proposals that the ITFS licensees vacate the channels they now use and that Multipoint Distribution Service licensees be authorized to operate their stations with 10 times the power authorized for ITFS stations demonstrate that responding will require "considerable engineering and other analysis." These issues were the subject of considerable comment in the original phase of these proceedings. Thus, it is not clear that additional comments on these points will be other than cumulative. We believe that adequate time has been available for parties to analyze the factual data submitted by Microband and to submit comment on them and on the few new issues raised by the proposal.

5. Finally, we note that § 1.46(a) of the rules, 47 CFR 1.46(a), states: "It is the policy of the Commission that extensions of time shall not routinely be granted." In adding this language to the rules the Commission stated "We are concerned that the practice of requesting and granting requests for extension of time on a regular, routine basis has grown to the point of abuse, and has contributed materially to the delay of proceedings. In amending § 1.46, our intention is to adjure parties and staff officials to tighten up the process." [4]

6. We are aware that some interested parties may have delayed preparation of their comments on the Microband proposal pending our response to the instant request for extension of time. We are also aware that notice of our response may not be received by all interested parties prior to the June 2, 1982 deadline. Finally, we wish to offer all interested parties an equal opportunity to file timely comments in this proceeding. For these reasons we are extending the period for filing comments on the Microband proposal for 30 days.

7. Accordingly the subject "Request for Extension of Time to File Comments" is denied.

8. It is further ordered, that the date for filing comments on the Microband proposal is extended to and including July 2, 1982.

9. This order is issued pursuant to §§ 0.91, 0.291 and 1.46 of the Commission's rules, 47 CFR 0.91, 0.291, 1.46.

10. The Secretary shall cause this order to be published in the Federal Register.

Gary M. Epstein,

Chief, Common Carrer Bureau.

[FR Doc. 82-15586 Filed 6-8-82; 8:45 am]

BILLING CODE 6712-01-M

[2] The original request was filed by the Association for Higher Education of North Texas, the Catholic Television Network, the Center for Excellence, Inc., the Illinois Institute of Technology, the National Telecommunications Council, Inc., and The Leland Stanford Junior University. On May 18, 1982 Microband Corporation of America filed an "Opposition of Microband Corporation of America to Request for Extension of Time". On the same day Dr. Gerald Rosander, County Superintendent of Schools for San Diego County, California filed a "Request for Extension of Time to file Comments." On May 19, 1982 Microband filed an opposition to Dr. Rosander's request.

[3] We note that counsel for petitioners was served with the proposal in February of this year as was Dr. Rosander.

[4] Adjudicatory Re-regulation Proposal, 56 FCC 2d 865, 877 (1976).

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 19

Small Business and Small Disadvantaged Business Concerns

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: Notice of availability and request for comment on draft Federal Acquisition Regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) on contracting with small business and small disadvantaged business concerns.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before July 21, 1982.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW, Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see Federal Register, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquision regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

List of Subjects in 48 CFR Parts 19

Government procurement.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

This part implements the Small Business Act (15 U.S.C. 631 et seq.) and prescribes policies and procedures governing: (1) the determination that a concern is a small business or a small disadvantaged business for the purpose of participating in programs designed to foster the establishment and viability of such businesses; (2) the respective roles of Federal agencies and the Small Business Administration (SBA) in implementing the programs; (3) setting acquisitions aside for exclusive participation by small business

[1] Filed as part of the original document.

concerns; (4) the certificate of competency program; (5) the subcontracting assistance program; (6) the SBA's Procurement Automated Source System (PASS); (7) the "8(a)" program, under which Federal agencies contract with the SBA for goods or services to be furnished under a subcontract by a small disadvantaged business concern; and (8) the use of womenowned business concerns.

The FAR coverage represents a substantial reorganization and rewriting of the DAR and FPR material. In cases in which the DAR and FPR differ or are silent, the FAR is based on SBA regulations in 13 CFR.

Dated: June 3, 1982.

LeRoy J. Haugh,

Associate Administrator for Procurement System Impelementation.

[FR Doc. 82-15576 Filed 6-8-82; 8:45 am]

BILLING CODE 3110-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1102

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension for filing comments.

SUMMARY: At 47 FR 18012, April 27, 1982, the Commission reopened this proceeding to seek comments on new all-inclusive cost recovery index filed by the Association of American Railroads, and on other indexing and related issues. The deadline for filing comments is being extended until July 9, 1982. This action will enable the Commission to avoid potential inconvenience to the parties while it considers a petition to broaden the Ex Parte No. 290 (Sub-No. 2) proceeding filed on May 5, 1982, by the Western Coal Traffic League.

DATES: Comments are due on or before July 9, 1982.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon (202) 275-7277 or Douglas Galloway (202) 275-7278.

Dated: June 3, 1982.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15566 Filed 6-8-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 111
Wednesday, June 9, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 82-312]

Golden Nematode; Program Notice

Currently, the Animal and Plant Health Inspection Service (APHIS) is involved in programs concerning the golden nematode, a highly destructive pest of potatoes and other solanaceous plants, which occurs in the State of New York. Under provisions of the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) and the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), APHIS established the federal golden nematode quarantine and regulations (7 CFR 301.85 through 301.85–10) which impose restrictions on the interstate movement of certain articles from the State of New York to prevent the artificial spread of golden nematode. Also, under provisions of the Organic Act of 1944 (7 U.S.C. 147a), APHIS cooperates with the State of New York in a golden nematode management control program.

The budget proposed for fiscal year 1983 would not provide funds for continuation of federal involvement in these golden nematode programs. This document advises the States and other interested parties that if APHIS funds for these programs are eliminated or reduced, federal involvement in the golden nematode programs could be terminated or curtailed. Accordingly, APHIS is issuing this notice to permit the State of New York and other interested parties, including other States, to consider what actions they may wish to undertake regarding golden nematode. For example, New York may wish to consider what type of control program it would maintain if federal cooperation is reduced or eliminated. APHIS will be available to work with all interested parties in designing appropriate non-federal measures and establishing plans for implementing such measures if federal involvement in these programs is reduced or eliminated. APHIS is providing this notice, in advance of fiscal year 1983, to permit New York and other interested parties sufficient time to develop their alternatives to the federal program so that a smooth transition to non-federal action will occur if federal involvement is reduced or eliminated and the interested entities choose to take action.

Done at Washington, D.C., this 4th day of June 1982.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-15620 Filed 6-8-82; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 82-309]

Gypsy Moth; Program Notice

Currently, the Animal and Plant Health Inspection Service (APHIS) is involved in programs concerning the gypsy moth, a highly destructive pest of forest trees. Under provisions of the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) and the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), ASPHIS established the federal gypsy moth quarantine and regulations (7 CFR 301.45 through 301.45–10 and an appendix) which impose restrictions on the interstate movement of certain articles from 23 quarantined States to prevent the artifical spread of the gypsy moth. The quarantined States are Arkansas, California, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Also, under provisions of the Organic Act of 1944 (7 U.S.C. 147a), APHIS cooperates with these States in gypsy moth survey and eradication programs.

The budget proposed for fiscal year 1983 would provide funds only for continuation of activities for the development of control technology for utilization in State programs. This document advises the States and other interested parties that if funds are only provided for such developmental activities, federal involvement in the gypsy moth programs, except for such developmental activities, could be terminated or curtailed. Accordingly, APHIS is issuing this notice to permit the quarantined States and other interested parties, including other States, to consider what action they may wish to undertake regarding gypsy moth. For example, the quarantined States may wish to consider what type of survey and eradication programs they would maintain if federal cooperation is reduced or eliminated. APHIS will be available to work with all interested parties in designing appropriate non-federal measures and establishing plans for implementing such measures if funding is not provided for federal involvement other than for developmental activities. APHIS is providing this notice, in advance of fiscal year 1983, to permit the quarantined States and other interested parties sufficient time to develop their alternatives to the federal program so that a smooth transition to non-federal action will occur if federal funding is reduced and the interested entities choose to take action.

Done at Washington, D.C., this 4th day of June 1982.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-15617 Filed 6-8-82; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 82-311]

Witchweed; Program Notice

Currently, the Animal and Plant Health Inspection Service (APHIS) is involved in programs concerning witchweed, a parasitic plant that causes the degeneration of corn; sorghum, and other grassy crops. Witchweed occurs in the United States only in North Carolina and South Carolina. Under provisions of the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) and the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), APHIS established the federal witchweed quarantine and regulations (7 CFR 301.80 through 301.80–10) which impose restrictions on the interstate movement of certain articles from North Carolina and South Carolina for the purpose of preventing the artificial spread of witchweed. Also, under provisions of the Organic Act of

1944 (U.S.C. 147a), APHIS cooperates with North Carolina and South Carolina in witchweed survey and control programs.

The budget proposed for fiscal year 1983 would not provide funds for continuation of federal involvement in these witchweed programs. This document advises the States and other interested parties that if the funds for these programs are eliminated or reduced, federal involvement in the witchweed programs could be terminated or curtailed. Accordingly, APHIS is issuing this notice to permit the States of North Carolina and South Carolina and other interested parties, including other States, to consider what actions they may wish to undertake regarding witchweed. For example, North Carolina and South Carolina may wish to consider what type of survey and control programs they would maintain if federal cooperation is reduced or eliminated. APHIS will be available to work with all interested parties in designing appropriate non-federal measures and establishing plans for implementing such measures if federal involvement in these programs is reduced or eliminated. APHIS is providing this notice, in advance of fiscal year 1983, to permit North Carolina and South Carolina and other interested parties sufficient time to develop their alternatives to the federal programs so that a smooth transition to non-federal action will occur if federal involvement is reduced or eliminated and the interested entities choose to take action.

Done at Washington, D.C., this 4th day of June 1982.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-15618 Filed 6-8-82; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 82-310]

Pink Bollworm; Program Notice

Currently, the Animal and Plant Health Inspection Service (APHIS) is involved in programs concerning the pink bollworm, a destructive insect pest of cotton which occurs in most cotton producing States west of the Mississippi River. Under provisions of the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) and the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), APHIS established the federal pink bollworm quarantine and regulations (7 CFR 301.52 through 301.52-10) which impose restrictions on the interstate movement of certain articles from eight quarantined States to prevent the artificial spread of the pink bollworm. The quarantined States are Arizona, Arkansas, California, Louisiana, New Mexico, Nevada, Oklahoma, and Texas. Also, under provisions of the Organic Act of 1944 (7 U.S.C. 147a), APHIS cooperates with these States in pink bollworm survey and control programs.

The budget proposed for fiscal year 1983 would provide funds only for continuation of sterile moth egg production at the pink bollworm rearing facility in Phoenix, Arizona. This document advises the States and other interested parties that if funds are provided only for the continuation of sterile moth egg poduction, federal involvement in the the pink bollworm programs could be terminated or cutrailed. Accordingly, APHIS is issuing this notice to permit the quarantined States and other interested parties, including other States, to consider what actions they may wish to undertake regarding pink bollworm. For example, the quarantined States may wish to consider what type of survey and control programs they would maintain if federal cooperation is reduced or eliminated. APHIS will be available to work with all interested parties in designing appropriate non-federal measures and establishing plans for implementing such measures if federal involvement in these programs is reduced or eliminated. APHIS is providing this notice, in advance of fiscal year 1983, to permit the quarantined States and other interested parties sufficient time to develop their alternatives to the federal program so that a smooth transition to non-federal action will occur if federal funds are reduced and the interested entities choose to take action.

Done at Washington, D.C. this 4th day of June 1982.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-15619 Filed 6-8-82; 8:45 am]

BILLING CODE 3410-34-M

Farmers Home Administration

Pilot Test for Prototype Funds Receipt and Disbursement System (FRADS) for Disbursing Loan and Grant Funds

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: Effective June 14, ,1982, a pilot implementation of the prototype Funds Receipt and Disbursement System (FRADS) will begin in the State of Florida in the counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, and Sumter. For the length of the pilot, all Farmers Home Administration (FmHA) loan/grant disbursements from these counties will be handled by this system rather than under the corresponding provisions of 7 CFR part 1902 Subpart A. FRADS involves only the method by which funds are disbursed from the U.S. Treasury to FmHA field offices and will not directly affect FmHA borrowers. The FRADS pilot will continue until adequate information for evaluation has been accumulated. This action is needed to examine the effectiveness of the prototype system in reducing FmHA's and the Government's interest expense for financing FmHA programs. The catalog of Federal Domestic Assistance numbers and titles are:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.408 Grazing Association Loans
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans (Rural Housing Loans-Section 502-Insured)
10.411 Rural Housing Site Loans (Section 523 and 524 Site Loans)
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans (SW Loans)
10.417 Very Low-Income Housing Repair Loans and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.420 Rural Self-Help Housing Technical Assistance (Section 523 Technical Assistance)
10.421 Indian Tribes and Tribal Corporation Loans
10.422 Business and Industrial Loans
10.423 Community Facility Loans
10.424 Industrial Development Grants
10.425 Emergency Livestock Loans
10.426 Area Development Assistance Planning Grants (Section 111)
10.427 Rural Rental Assistance Payments
10.428 Economic Emergency Loans
10.429 Above Moderate Income Housing Loans (Guaranteed Rural Housing Loans)
10.430 Energy Impacted Area Development Assistance Program
10.431 Technical and Supervisory Assistance Grants
10.432 Biomass Energy and Alcohol Fuels Loans and Loan Guarantees

This notice does not directly affect any FmHA progrtams or projects which are subject to A–95 clearinghouse review.

EFFECTIVE DATE: Effective June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Furman, Director, Accounting Systems Design and Development Division, (202) 447–2845.

Dated: April 14, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82–15604 Filed 6–8–82; 8:45 am]

BILLING CODE 3410–07–M

Office of the Secretary

Forms Under Review by Office of Management and Budget

June 4, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447–6201.

Revised

• Soil Conservation Service
Agriculture and Urban Damage Surveys
ECN–1 through 6
On occasion
Individuals, State or local governments, farms, businesses: 2,600 responses; 1,300 hours; not applicable under 3504(h)
Roy M. Gray (202) 447–2307

Extension

• Agricultural Marketing Service
Wheat and Wheat Food Research
Quarterly
Businesses or other institutions: 2,500 responses; 217 hours; not applicable under 3504(h)
Lowry Mann (202) 447–2650

Reinstatement

• Agricultural Stabilization and Conservation Service
Estimate of Tobacco Production
MQ 92
On occasion
Farms: 750 responses; 417 hours; not applicable under 3504(h)
Thomas R. Burgess (202) 447–2715

• Agricultural Stabilization and Conservation Service
Forms ASCS–574, Application for Disaster Credit and ASCS–574–1, Prevented Planting Claim
ASCS 574, 574–1
Annually
Farms: 180,000 responses; 30,000 hours; not applicable under 3504(h)
Bill Harshaw (202) 447–7634

Richard J. Schrimper

Statistical Clearance Officer.

[FR Doc. 82–15543 Filed 6–8–82; 8:45 am]

BILLING CODE 3410–01–M

CIVIL AERONAUTICS BOARD

[Docket 40630; Order 82–6–32]

Application of Arrow Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause.

SUMMARY: The Board proposes to issue a certificate to Arrow Airways, Inc., to provide scheduled interstate and overseas air transportation of persons, property, and mail between all points in the United States, its territories and possessions.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than June 22, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 40630, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all the persons listed in paragraph 6 of Order 82–6–32.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate. To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Thomas Chew, (202) 673–5340, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 3, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–15621 Filed 6–8–82; 8:45 am]

BILLING CODE 6320–01–M

[Docket 40731; Order 82–6–7]

U.S.-France Nonaffinity Group Fares Proposed by Compagnie Nationale Air France; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of May, 1982.

By tariff revisions filed May 12, 1982, Compagnie Nationale Air France (Air France) has proposed new nonaffinity group fares for travel from New York to Nice, effective June 11, 1982.[1]

We have decided to suspend Air France's proposal. The French aviation authorities have repeatedly denied U.S. carrier attempts to introduce new fares in the U.S.-France market, have disapproved the fare proposals of U.S. carriers seeking entry into the market whenever the proposals undercut the prevailing fares of Air France, and have even refused U.S. carriers the right to match Air France's fares at the latter's U.S. gateways if the former did not provide single plane service. Thus, the Government of France continues its policy of denying U.S. carrier fare initiatives in order to protect Air France to the detriment of the traveling public. Such circumstances compel us to continue to review Air France's proposals with greater scrutiny than we would otherwise prefer.

Therefore, we have decided to investigate Air France's proposed tariffs, and we find that it is in the public interest to suspend the tariffs pending investigation.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and

[1] The fares, at round-trip levels of $759 peak and $699 basic, would apply only on certain flights.

provisions set forth in the attached Appendix, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public interest, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the tariff provisions in the attached Appendix A from June 11, 1982, to and including June 10, 1983, unless otherwise ordered by the Board, and shall permit no changes to be made during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [2] and, unless disapproved by the President within ten days, it shall become effective June 11, 1982; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Compagnie Nationale Air France and the Ambassador of France in Washington, D.C.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-15622 Filed 6-8-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

1980 Census Neighborhood Statistics Program (NSP)

The Director of the Bureau of the Census has issued the revised final guidelines for participation in the NSP. A notification of these guidelines has been sent to the highest elected officials of all municipalities with 10,000 or more population; to the officials in the appropriate towns, townships, and counties to which the Program has now been extended; and to those persons that have contacted the Bureau in the past concerning the NSP.

The NSP is totally voluntary. Neighborhood data will not be tabulated for any locality unless the Bureau receives a request for participation from the local government by July 2, 1982. Such requests should be sent to the Director, Bureau of the Census, Washington, D.C. 20233, Attention: Neighborhood Statistics Program, Decennial Census Division.

[2] We submitted this order to the President on May 26, 1982.

Changes to the NSP

The Bureau originally announced the guidelines for the NSP on November 21, 1979 (44 FR 66862). Since that time, there have been a number of major Program changes that have necessitated the reissuance of the NSP guidelines.

First, during the past year, the Bureau had indicated that because of budgetary uncertainties the NSP would be administered on a cost-reimbursable basis. As a result of several successful cost-saving measures, however, the Bureau is now able to offer this service without charging participants. The work and expense of completing the neighborhood block equivalency listing—a method of defining neighborhoods in terms of census geographic areas—remain the responsibility of each participating locality. The equivalency listing and appropriate instructions will be provided by the Bureau later this year. Participants will be required to purchase a set of 1980 census maps for use in the coding process. These maps will remain the property of the locality after coding is completed.

Second, the format of data that will be available for neighborhoods has been revised. The new format will continue to provide considerable sample data covering such topics as income, employment, poverty, and shelter costs. In addition to statistical tables, the NSP data product has been expanded to include narrative profiles that describe the characteristics of the population and housing units within each neighborhoos.

Third, based on input from potential data users, the Bureau has decided to relax somewhat the previously published criterion 3 which provided that neighborhoods must have some type of citizen participation mechanism. The primary purpose of the NSP is still to provide statistics for neighborhoods with citizen participation mechanisms; however, data can now be requested for other traditionally recognized neighborhoods in those areas of the locality where no formal citizen participation system exists as long as all other Program requirements are met. These neighborhoods may participate in the NSP even if they coincide with planning areas, wards, or other areas previously ineligible for participation in the NSP.

Fourth, although the NSP was originally developed to assist municipalities, the Bureau has extended the Program to areas covered by census blocks outside of municipalities. Specifically, these non-municipal areas will include the unincorporated parts of counties as well as towns and townships in the 11 states (Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin) where these jurisdictions are general-purpose governments. Further information concerning participation of such areas is provided in Item (a) of the revised guidelines.

Revised Guidelines for Participation in the NSP

The NSP has been developed to assist localities requesting statistics for recognized subareas, generally called "neighborhoods." These statistics are needed to determine the socioeconomic characteristics of the population residing in each area, to gauge the possible qualification of the area for participation in federal and other programs, and to formulate programs needed by neighborhood residents. The NSP will provide, by these locally defined areas, considerable demographic, social, and economic data that generally cannot be obtained from other census data products (unless a neighborhood's boundaries coincide with such geographic levels as census tracts or block groups). Many of these data, including such subjects as income, education, employment, poverty, and certain housing characteristics, were collected from only a sample of the population and not released at the block level; therefore, data for neighborhoods on these sample subjects cannot be aggregated from summary data at the block level.

These revised guidelines are provided to assist those localities requesting participation in the NSP. Participation should be initiated by a written request from either the chief elected official of the local government or an appropriate officer of a central neighborhood council or coalition, if one exists, that represents all neighborhoods for which the locality is requesting data. This expression of interest in the Program should be made to the Director, Bureau of the Census, by July 2, 1982. If after notification, a locality no longer wishes to participate, it may withdraw. Any late request will be handled as a special tabulation which will involve a charge to the participant.

It should be emphasized that the Bureau will supply statistics for only one system of nonoverlapping neighborhoods in each locality; therefore, a single request, incorporating all neighborhoods, is needed from each jurisdiction wishing to participate in the

Program. Questions arising as to who should initiate the request (the local government or a neighborhood coalition) or disagreements concerning the specific location of each neighborhood must be resolved locally.

We are requesting that any locality which has previously contacted the Bureau about the NSP reconfirm its interest in the Program; however, there is no need for those localities to again provide the details requested later in these guidelines unless the information submitted previously is no longer current.

The cost of the work performed by the Bureau in connection with this program will be borne by the Bureau with no charge to the participants. The locality will be responsible for the work and the expense of making the written request, completion of the neighborhood block equivalency list, and reconciliation of any discrepancies resulting from the coding process. In addition, participants will be required to purchase a set of 1980 census maps for use in the coding process; these maps will remain the property of the locality.

The following are the criteria for participation in the NSP. After each criterion, we have indicated the information that must be supplied to the Bureau before a locality's eligibility can be determined.

1. Official recognition of the locality's neighborhoods. The highest elected official of the locality (or, where applicable, an appropriate representative of a central neighborhood council or coalition) must either include a statement of recognition in his or her letter to the Director or to provide a copy of a municipal law or similar legal or administrative action, if one exists, that recognizes the neighborhoods.

2. A single set of neighborhoods with nonoverlapping boundaries. All the area within any given neighborhood must be considered part of that neighborhood only; no portion of the locality may be included in more than one neighborhood. The locality must provide the number of neighborhoods for which data will be requested, a statement as to whether these neighborhoods cover the entire locality, and a map indicating the preliminary, nonoverlapping neighborhood boundaries. This map does not have to be technical (for example, a local street map is satisfactory); however, it should indicate clearly the streets, railroad tracks, natural features, and so forth, which the neighborhood boundaries follow. Please note the following two considerations when defining neighborhoods:

- A locality's final neighborhood boundaries, those that will be submitted with the neighborhood block equivalency listing, must be consistent with census blocks. Census blocks cannot be split when defining neighborhoods for the NSP (except in the case where a block is already cut by a corporate limit). Since a census block is usually an enclosed area bound on all sides by visible features such as streets, railroad tracks, bodies of water, and so forth, preliminary neighborhood boundaries should also follow visible features. In this way, there will be minimal need for the locality to adjust neighborhood boundaries when completing its neighborhood block equivalent listing using final 1980 census maps. Property lines, which do not coincide with visible features, are almost never block boundaries and, therefore, should not be used as neighborhood boundaries.
- Census geography is based on political boundaries as of January 1, 1980. If a locality's neighborhood boundaries extend past its political boundaries as of January 1, 1980, the Bureau must be advised so that we can provide the appropriate census geography on the neighborhood block equivalency list and maps.

3. Citizen participation mechanism. If applicable, please indicate when a mechanism exists whereby concerned residents within a neighborhood are assured the opportunity to present their views on municipal matters to city officials. Examples of such mechanisms are: elected or appointed neighborhood representatives, neighborhood councils, citizens associations, and neighborhood liaisons to city hall.

4. Local contact person. The locality must supply the name, title, address, and telephone number of a contact person who will coordinate NSP-related activities of the locality with the Bureau.

We will review the information provided by each locality requesting participation to determine its compliance with the preceding criteria. If any discrepancies are found during this review process, the Bureau will advise the locality. Subsequent to this review, each locality will be advised as to its eligibility to participate in the NSP. At that time, we will not be able to supply neighborhood data to those localities that still cannot comply with the criteria (such as those with overlapping neighborhood boundaries or neighborhoods that do not follow census block boundaries).

Listed below are several items to be considered when submitting requests for NSP participation:

(a) Because the Bureau can produce only one set of data for any geographic area, it is important that requests from two different jurisdictions for the same geographic area be avoided. If a county (or town or township, where applicable) wants data for neighborhoods within a smaller general-purpose government, the formal request should be made by the smaller jurisdiction. In situations where the smaller government is not interested in the Program or would prefer to have the county do the work, the county should supply us with a letter from the local highest elected official naming the county as the contact. Many cities have chosen to defer this responsibility to a member of the county or regional planning department. It should be noted that officials can only request participation for neighborhoods in areas over which they have political jurisdiction. For instance, a mayor of a city cannot request data for neighborhoods located outside of the city limits unless the highest elected official of that jurisdiction names the mayor as the contact person.

(b) Generally, an entire place or census designated place (CDP) will not be considered a neighborhood since the intent of the NSP is to assist submunicipal areas for which data are not easily accessible. Data for places and CDP's will be available from the regular census publications and the summary tapes.

(c) Although the Bureau does not have a stated population minimum for neighborhoods, we recommend that neighborhoods have at least 1,000 population in order to minimize suppression of the data and to maintain reasonable statistical reliability.

(d) The 1980 Census maps used during the coding process will remain the property of each participating locality. Other maps showing neighborhood boundaries will not be available from the Bureau. Any map preparation or dissemination in relation to this Program will be a local responsibility.

Data for a second set of neighborhoods can only be provided as a special tabulation which will be done at a later time and will involve a charge to the requester.

As currently scheduled, a neighborhood block equivalency listing and a complete set of instructions will be mailed on a flow basis to each local contact person beginning in the fall 1982. The neighborhood block equivalency list is a listing of 1980 census geographic units which will be assigned to appropriate neighborhoods during the coding process that will be completed by each locality. The contact person will indicate the final boundaries of the neighborhoods on appropriate 1980 census maps (purchased by the

participating locality) and insert the appropriate neighborhood codes on the equivalency list according to the instructions. Because all census geographic units included on the listing must be identified, the coder will be instructed to assign a code for "balance of locality" to any unit that is not part of a recognized neighborhood. The locality will be resonsible for the accuracy of the equivalency listing, for the resolution of any omissions or duplications that the listing may contain, and for any statistical inaccuracies that may result from undiscovered errors.

Release of the final neighborhood data is scheduled to begin in early 1983. A participating locality will receive narrative profiles, each of which describes the characteristics of the population and housing units within one neighborhood, and the accompanying statistical tables, which contain data on all neighborhoods (and a balance of locality, where applicable). Sufficient copies of the narratives and tables will be provided so that the local contact may keep one set of each and may distribute to each neighborhood its narrative profile and a set of the tables. Additional copies of any locality's neighborhood data can be purchased from the bureau at the end of the tabulation process.

Requests for participation and other communications regarding the NSP should be sent to the Director, Bureau of the Census, Washington, D.C. 20233, Attention: Neighborhood Statistics Program, Decennial Census Division. If you have specific questions regarding this Program and you prefer to call, Ms. JoAnne T. Eitzen is available on 301/763-1818.

Dated: June 4, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82-15565 Filed 6-8-82; 8:45 am]

BILLING CODE 3510-07-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Correction of a Notice for System of Records

AGENCY: Defense Logistics Agency (DLA), DOD.

ACTION: Correction of a notice for a system of records.

SUMMARY: This notice corrects an entry in a notice for a system of records subject to the Privacy Act of 1974 that appeared earlier. Specifically three system managers who were inadvertently omitted from the proposed amended system notice.

DATES: This correction will be effective June 9, 1982 the effective date of the proposed amended system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, DLA-XAM, HQ DLA, Cameron Station, Alexandria, VA 22314, telephone: 202/274-6234.

SUPPLEMENTARY INFORMATION: An amended system notice for Defense Logistics Agency system of records, S434.15 DLA-KP, entitled: "Automated Payroll Cost and Personnel System (APCAPS) Personnel Subsystem" was published in the **Federal Register** at 47 FR 20016 (FR Doc. 82-12583) May 10, 1982. Three system managers were inadvertently omitted from the "Systen Manager(s) and Address" Caption. These three are: "DCASR Cleveland, DCASR Dallas, and DCASR Philadelphia."

M. D. Healy

OSD Federal Register Liaison Officer, Department of Defense.

June 3, 1982.

[FR Doc. 82-15587 Filed 6-8-82; 8:45 am]

BILLING CODE 3620-01-M

Department of the Navy

Privacy Act of 1974; Deletion of Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Deletion of two systems of records notices.

SUMMARY: The Department of the Navy proposes to delete the notices for two systems or records in its inventory of systems of records subjects to the Privacy Act of 1974.

DATE: The proposed actions will be effective without further notice on July 9, 1982, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, the Pentagon, Washington, D.C. 20350. Telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. Law 93-579; 44 Stat. 1896, *et seq.)* have been published in the **Federal Register** at:

FR Doc. 81-674 (47 FR 2574) January 18, 1982
FR Doc. 81-9204 (47 FR 14944) April 7, 1982
FR Doc. 82-9844 (47 FR 15636) April 12, 1982.
FR Doc. 82-12593 (47 FR 20018) May 10, 1982.

M. S. Healy.

OSD Federal Register Liaison Officer, Department of Defense.

June 3, 1982.

DELETIONS

N05300-3

System name: VGA Personnel and Manpower Information System (PERMIS) (47 FR 2679) January 18, 1982

Reason: This system has been incorporated into system notice #N12950-5, "Navy Automated Civilian Manpower Information System (NACMIS)"

N12950-2

System name: Professional Qualifications Records (PQR's) (47 FR 2738) January 18, 1982

Reason: This system has been discontinued.

[FR Doc. 82-15568 Filed 6-8 82; 8:45 am]

BILLING CODE 3810-71-M

Privacy Act of 1974; Amendment of Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Amendment of three systems of records notices.

SUMMARY: The Department of the Navy proposes to amend the notices for three systems of records in its inventory of systems of records subject to the Privacy Act of 1974. The proposed amendments followed by the amended system notices are set forth below.

DATES: The proposed actions will be effective without further notice on July 9, 1982, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, section 552a (Pub. Law 93-579; 44 Stat. 1896, *et seq.*) have

been published in the Federal Register at:

FR Doc. 81-674 (47 FR 2574) January 18, 1982
FR Doc. 81-9204 (47 FR 14944) April 7, 1982
FR Doc. 82-9844 (47 FR 15036) April 12, 1982
FR Doc. 82-12593 (47 FR 20018) May 10, 1982

None of these changes require an altered system report under the provisions of 5 U.S.C. 552a(o).

M.S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
June 3, 1982.

N05810-1

System Name:

Article 138 Complaint of Wrongs, (47 FR 2695) January 18, 1982.

Changes:

System location:

In line two, delete the phrase "* * * (Code 20) * * *" and substitute with: "* * * (Code 13) * * *".

Notification procedure:

In line four, delete the phrase: "* * * (Military Justice) * * *" and substitute with: "* * * (Administrative Law) * * *" In line 14, delete the phrase "* * * Military Justice * * *" and substitute with: "* * * Administrative Law * * *" In line 16, delete the number "* * * 9S09 * * *" and substitute with: "* * * 9N03 * * *".

N07401-1

System name:

Slot Machine/Bingo Winners (47 FR 15638) April 12, 1982.

Changes:

System name:

Delete the phrase: "Slot Machine".

System location:

Delete the entire entry and substitute with: "Decentralized, maintained at Navy and Marine Corps statewise and overseas bases, where bingo is authorized and played. Inquiries should be addressed to the local activity or to the Chief of Naval Personnel (Pers-7), Bureau of Naval Personnel, Washington, DC 20370 (for naval activities); and the Commandant of the Marine Corps (MSMS), Washington, DC 20380 (for Marine Corps activities).

Categories of individuals covered by the system:

Delete the phrase: "* * * paid monies for winnings associated with slot machine jackpots or * * * " in the second line, and add the word "* * * one-time * * *" before the word "* * * winnings * * *" in the third line.

Categories of records in the system:

Delete the words: "Jackpot and * * *" in the first and fourth lines. Delete the phrase "* * * are maintained at each location." at the end of the entry.

Authority for maintenance of the system:

Delete the entire entry and substitute with: "10 U.S.C. 5031; Section 6041, Internal Revenue Code; BUPERSINST 1710 series; Manual for Messes Ashore, NAVPERS 15951; MCO P-1746.15 series; and NAVSO P-3520."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire first paragraph and substitute with: "To account for and control monies and items of merchandise paid of individual winners of bingo games and as a basis for IRS Forms W-2G and 5754, reporting on individuals whose one-time winnings are $1,200 or more."

User:

Delete the words: "* * * slot machine * * *" in line two and substitute with the word: "* * * bingos * * *" In line three, delete the word: "* * * approved * * *" and substitute with the word: "* * * authorized * * *".

Usus:

Delete the word: "* * * shore * * *" in the first line and substitute with the phrase: "* * * stateside and overseas * *" Delete the words: "* * * slot machine jackpot and * * *" in line five.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Retrievability:

Delete: "* * * Form 1099 * * *" and substitute with: "* * * Form W-2G * * *" in line two.

System manager(s) and address:

Delete the first sentence and substitute with: "Overall policy and procedures for bingo operations are contained in NAVSO P-3520, BUPERSINST 1710 series, and MCO P-1746.15 series."

Notification procedures:

Delete the first sentence and substitute: "Individuals are notified via IRS Form W-2G if their one-time winnings are $1,200 or more." Delete the words: "* * * jackpot and * * *" in line six.

Record access procedures:

Delete the words: "* * * jackpot and * * *" in line three; and "* * * jackpot and * * *" in line six.

Record source categories:

Delete the words: "Daily jackpot payout sheets and * * *" in line one.

N12930-1

System name:

Industrial Relations Personnel Records (47 FR 2737) January 18, 1982.

Changes:

System location:

Delete the entire entry and substitute with the following: "Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (Central Office for all Navy exchanges). Personnel records of employees of the central office are located in the Industrial Relations Division's files at the central office and in Navy Resale System activities employing civilians paid from non-appropriated funds."

Categories of individuals covered by the system:

At the end of the entry, add the following sentence: "Employee categories paid from non-appropriated funds are: regular full-time, regular part-time, temporary full-time, temporary part-time and intermittent."

Categories of records in the system:

In the first line after the word "* * * including * * *" add the phrase: "* * * but not limited to:" In the sixth line after the word "benefit", delete the rest of the entry and substitute with the following: "* * * leave records; report of accident; notice of excessive absence and tardiness and warnings; disciplinary actions; certified record of court attendance; certified copy of completed military orders for any annual duty tours with recognized reserve organizations; employee job description; tuition assistance records; examination papers and tests, if any; evidence of date of birth, where required; official letters of commendation; cash register overage/shortage records; report of hearings and recommendations relative to employee grievances; official work performance rating; designation of beneficiary for unpaid compensation; reference check records; applicant files; employee profiles; personnel security information

(including copies of NAS and NIS reports); travel requests, travel allowance and claims record; transportation agreements; employee affidavit; privilege card application, work assignment, work performance capability, counseling records, work-related records, training records including courses, type and completion dates; and related data.

Labor and Employee Relations Records include: Notices of excessive absence, tardiness and warnings; disciplinary actions; unsatisfactory work performance evaluations; grievances, appeals, complaint and appeal records; reports of potential grievances and appeals; congressional correspondence; investigative reports and summaries of personnel administrative actions; data relating to Quality Salary Increase, Superior Accomplishment Recognition Awards, Beneficial Suggestions and similar awards; and personnel listings of the aforementioned services."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire entry and substitute with the following: "To provide a basis by which an employee or an applicant may be determined to be suitable for employment, transfer, promotion or retention in employment; for verification of employment; to provide a record of travel performed and verification that the employees receive proper renumeration for the travel performed; to insure employees received timely consideration in the processing of work/apprisals and salary increases; for recognition of accomplishments and contributions by employees, and in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Also used by representatives of the United States Office of Personnel Management (OPM) on personnel matters under the jurisdiction of OPM; used by appeals officers and complaints examiners of the Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees' appeals from adverse actions and formal discrimination complaints; used by the Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs; used by the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies:

The records may be used to disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose of the request and identify the type of information requested. The records may also be used to disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (GSA) in records management inspection conducted under authority of 44 U.S.C. 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions."

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

At the end of line two, add the word "* * * disks,".

Retrievability:

In line two, delete the phrase: "* * * employee job number * * *".

Safeguards:

Delete the entire entry and substitute with the following: "Locked desks in supervisor's office and also locked cabinets in locked offices supervised by appropriate personnel; supervised computer tape library which is accessible only through the Computer Center (entry to computer center is controlled by a combination lock known by authorized personnel only); security guards."

Retention and disposal:

At the end of the entry, delete the phrase "* * * except that applications from those over 40 years old are retained for two years." Add the following at the end of the entry: "Navy exchange records retention standards are contained in the Disposal of Navy and Marine Corps Records, Part II, chapters 3 and 5, in the Navy Exchange Manual."

System manager(s) and address:

In the second and sixth lines, delete the phrase: "* * * 3rd Avenue and 29th Street, Brooklyn, New York 11232." and substitute with the following: "* * * Fort Wadsworth, Staten Island, New York 10305." Also, delete the last paragraph in its entinety.

Notification procedure:

In the fourth and fifth lines, delete the phrase: "* * * 3rd Avenue and 29th Street, Brooklyn, New York 11232." and substitute with "* * * Fort Wadsworth, Staten Island, New York 10305."

Record source categories:

Delete the entire entry and substitute with the following: The individual to whom the record pertains; current and previous supervisors/employers; other records of the activity concerned; counseling records and comparable papers; educational institutions; applicant's previous employers; current and previous associates of the employee named by the employee as references; other records of activity investigators; witnesses; correspondents; investigation results and information provided by appropriate investigative agencies of the Federal Government."

N05810-1

SYSTEM NAME:

Article 138 Complaint of Wrongs.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 13), Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332. Complaints, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

* * * * *

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Administrative Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332. Information may be obtained by written request to the Judge Advocate General

stating full name and the approximate date the complaint was submitted submitted for review if known. Written requests must be signed by the requesting individual. Personal visits may be made to the Administrative Law Division, Office of the Judge Advocate General, Room 9N03, Hoffman Building No. 2, 200 Stovall Street, Alexandria, Virginia 22322. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

* * * * *

N07401-1

SYSTEM NAME:

Bingo Winners.

SYSTEM LOCATION:

Decentralized, maintained at Navy and Marine Corps stateside and overseas bases, where bingo is authorized and played. Inquiries should be addressed to the local activity or to the Chief of Naval Personnel (Pers-7), Bureau of Naval Personnel, Washington, DC 20370 (for naval activities); and the Commandant of the Marine Corps, (MSMS), Washington, DC 20380 (for Marine Corps activities).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual U.S. citizens 18 years of age and older who are paid monies/prizes of $1,200 or more for one-time winnings associated with bingo.I95Categories of records in the system:

Bingo payout control sheet indicating individual's name, grade, SSAN, duty station, dates and amounts of bingo monies paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10. U.S.C. 5031; Section 6041, Internal Revenue Code; BUPERSINST 1710 series; Manual for Messes Ashore, NAVPERS 15951; MCO P-1746 series; and NAVSO P-3520."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To account for and control monies and items of merchandise paid of individual winners of bingo games and as a basis for IRS Forms W-2G and 5754, reporting on individuals whose one-time winnings are $1,200 or more.

USER:

Navy and Marine Corps shore activities where bingo games have been authorized by the Chief of Naval Personnel or the Commandant of the Marine Corps.

USES:

Provides a means of paying, recording, accounting for, reporting, and controlling expenditures and merchandise inventories associated with bingo games.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

* * * * *

RETRIEVABILITY:

Individual control sheets. Individual IRS Form W-2G by name and SSAN.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedures for bingo operations are contained in NAVSO P-3520, BUPERSINST 1710 series, and MCO 1746.15 series. A list of systems managers by activity is available from the Chief of Naval Personnel (Pers-7) for Navy managers and the Commandant of the Marine Corps (MSMS) for Marine Corps managers.

NOTIFICATION PROCEDURES:

Individuals are notified via IRS Form W-2G if their one-time bingo winnings are $1,200 or more. An individual can contact the applicable systems manager on matters concerning their bingo winnings.

RECORD ACCESS PROCEDURES:

Individuals have access to information applicable to their individual bingo winnings. Officials such as the IRS have access to information applicable to all bingo winners. Access is through the systems manager.

* * * * *

RECORD SOURCE CATEGORIES:

Bingo payout control sheets.

N12930-1

SYSTEM NAME:

Industrial Relations Personnel Records.

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (Central Office for all Navy exchanges). Personnel records of employees of the central office are located in the Industrial Relations Division's files at the central office and in Navy Resale System activities employing civilians paid from non-appropriated funds.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, former civilian employees and applicants for employment with the Navy Resale and Services Support Office and Navy Exchanges located worldwide. Employee categories paid from non-appropriated funds are: regular full-time, regular part-time, temporary full-time, temporary part-time and intermittent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel jackets, including but not limited to: Personnel Information Questionnaire, Personnel Action; Certificate of Medical Examination; Indoctrination Checklist; Designation of beneficiary; death benefit; leave records report of accident; notice of excessive absence and tardiness and warnings; disciplinary actions; certified record of court attendance; certified copy of completed military orders for any annual duty tours with recognized reserve organizations; employee job description; tuition assistance records; examination papers and tests, if any; evidence of date of birth, where required; official letters of commendation; cash register overage/shortage records; report of hearings and recommendations relative to employee grievances; official work performance rating; designation of beneficiary for unpaid compensation; reference check records; applicant files; employee profiles; personnel security information (including copies of NSA and NIS reports); travel requests, travel allowance and claims record; transportation agreements; employee affidavit; privilege card application, work assignments, work performance capability, counseling records, work-related records, training records including courses, type and completion dates; and related data.

Labor and Employee Relations Records include: Notices of excessive absence, tardiness and warnings; disciplinary actions; unsatisfactory work performance evaluations; grievances, appeals, complaint and appeal records; reports of potential grievances and appeals; congressional correspondence; investigative reports and summaries of personnel administrative actions; data relating to Quality Salary Increase, Superior Accomplishment Recognition Awards, Beneficial Suggestions and similar awards; and personnel listings of the aforementioned services.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a basis by which an employee or an applicant may be determined to be suitable for employment, transfer, promotion or retention in employment; for verification of employment; to provide a record of travel performed and verfication that the employees receive proper remuneration for the travel performed; to insure employees received timely consideration in the processing of work/appraisals and salary increases; for recognition of accomplishments and contributions by employees, and in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Also used by representatives of the United States Office of Personnel Management (OPM) on personnel matters under the jurisdiction of OPM; used by appeals officers and complaints examiners of the Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees' appeals from adverse actions and formal discrimination complaints; used by the Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs; used by the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The records may be used to disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose of the request and identify the type of information requested. The records may also be used to disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (GSA) in records management inspection conducted under authority of 44 U.S.C. 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: file folders; magnetic tapes; disks; punch cards; rolodex files; cardex files; ledgers; and printed reports.

RETRIEVABILITY:

Name and/or social security number; employee payroll number.

SAFEGUARDS:

Locked desks in supervisor's office and also locked cabinets in locked offices supervised by appropriate personnel; supervised computer tape library which is accessible only through the Computer Center (entry to computer center is controlled by a combination lock known by authorized personnel only); security guards.

RETENTION AND DISPOSAL:

Current employee records remain on file at the appropriate personnel offices; records on former employees are retained for one year and then forwarded to the Federal Records Center, St. Louis, Missouri for retention of permanent papers and destruction of temporary papers. Applicant files are retained for one year. Navy exchange records retention standards are contained in the Disposal of Navy and Marine Corps Records, Part II, chapters 3 and 5, in the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305. Record Holder: Manager, Recruitment and Employment (IRD3), Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305.

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander, Navy Resale and Services Support Office, Fort Wadworth, Staten Island, New York 10305. In the initial inquiry, the requester must provide full name, social security number, activity where last employed or where last application for employment was filed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requester must provide proof of identity containing the requester's signature.

* * * * *

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; current and previous supervisors/employers; other records of the activity concerned; counseling records and comparable papers; educational institutions; applicants; applicant's previous employers; current and previous associates of the employee named by the employee as references; other records of activity investigators; witnesses; correspondents; investigation results and information provided by appropriate investigative agencies of the Federal Government.

[FR Doc. 82-15596 Filed 6-8-82; 8:45 am]
BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Law-Related Education Program; Applications for Fiscal Year 1982

AGENCY: Office of Elementary and Secondary Education, Education.

ACTION: Application Notice for Fiscal Year 1982.

SUPPLEMENTARY INFORMATION: Applications are invited for new and non-competing continuation awards under the Law-Related Education Program.

Authority for these awards is contained in Title III, Part G of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561.

This program issues awards to State educational agencies, local educational agencies, and other public and nonprofit private agencies, organizations, and institutions.

The purpose of the awards is to assist these recipients in implementing programs and in helping others develop programs in law-related education.

Closing date for transmittal of applications: Applications for new and non-competing continuation awards

must be mailed or hand-delivered to the U.S. Department of Education by July 30, 1982.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.123, Law-Related Education Program, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(a) A legibly-dated U.S. Postal Service postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(a) A private metered postmark.

(b) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant for a new project will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily except Saturdays, Sundays, and Federal holidays. An application for a new project that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

If a non-competing application is late, the Department of Education may lack sufficient time to review it with other non-competing continuation applications and may decline to accept it.

Available funds; program information: It is expected that approximately $960,000 will be available for the Law-Related Education Program. This amount will be divided between—

(1) Non-competing awards to continue, for an additional period of up to 12 months, projects that were funded competitively as new projects in Fiscal Year 1981. These projects are eligible for non-competing continuation awards if their initial applications for Fiscal Year 1981 proposed two-year projects. The non-competing continuation award will be to carry out the second year of the project as proposed in the approved, initial application. It is estimated that up to 8 awards will be made requiring a cumulative amount of less than $300,000;

(2) Contract activities requiring a cumulative amount of less than $100,000. These activities will be awarded pursuant to appropriate contracting procedures and are not subject to this notice; and

(3) Competitive, new grants for one-year projects to provide technical assistance at the elementary and secondary school levels from established law-related education programs to other organizations in one or more States.

Section 757.10(b) of Title 34 of the Code of Federal Regulations provides that the Secretary annually may reserve funds for some, all, or a combination of specific types of law-related education projects described in that section. One type of project described is a project that supports elementary and secondary school programs through the provision of technical assistance from established law-related education programs to other organizations in one or more States.

The Secretary has decided to limit support for new projects to these technical assistance projects for two reasons that relate to the fact that this is the last year of the Federal program—

(a) There are highly regarded law-related education programs in many States and school districts throughout the Nation, including programs that have been funded under the Law-Related Education Act and by other sources. However, many school districts do not have effective programs, or any programs at all. It is appropriate in the last year of the program to build on the successes of existing programs and strengthen their capacity to serve as resources that will help address these unmet needs. The Secretary believes that this is a more effective way to phase out the Law-Related Education Program than to support additional program initiation or development at particular sites.

(b) For the most part, future Department financial support for particular law-related education programs will depend on decisions by State educational agencies and local educational agencies as to how to spend funds they administer under programs supported by the Department, particularly Chapter 2 of the ECIA. Technical assistance activities in this, the last year of the Law-Related Education Program can contribute to more effective use of State and locally-administered Federal funds for law-related education. To the extent that they include awareness activities, the projects can address the problem that many State and local educators are not aware of the potential value of law-related education and how it can be integrated into the curriculum. Therefore, the technical assistance projects can promote informed choices by cognizant State and local officials—under the block grant program and other programs—of whether and how best to support law-related education activities.

The U.S. Department of Education is interested in receiving applications for projects that would provide technical assistance to elementary and secondary educational organizations in a number of contiguous States, or in regional areas of the country. Under 34 CFR 75.127, eligible entities may apply as a group for a grant—for example, by establishing a consortium or by simply submitting a joint application. The Department particularly would welcome applications from consortia of experienced State, local, and/or national law-related education programs to provide technical assistance within particular regions. These projects would establish a network of law-related education resources that would work with State and local educational agencies and other organizations within the region to initiate and strengthen law-related education programs. Programs within a consortium might focus on technical assistance within their own States, but the consortium also could organize regional activities and coordinate a variety of resources and approaches to respond most effectively to the needs of particular States or localities within the region.

The U.S. Department of Education is not establishing any limits on particular regions or dollar amounts for these projects. However, for purposes of example, it is estimated that a regional technical assistance consortium project serving 5 to 10 States would require $100,000–$150,000. If all successful applications proposed these projects, 4 to 6 projects could be funded.

As indicated above, the U.S. Department of Education will limit consideration of new applications to technical assistance projects as provided in 34 CFR 757.10(b)(1)(iii). While the Department particularly encourages projects on a regional level from consortia of experienced law-

related education organizations, it does not propose to exclude other meritorious technical assistance projects. All proposed technical assistance projects that meet the requirements in 34 CFR 757.10(b)(1)(iii) and 757.12 will be considered under the evaluation criteria in 34 CFR 757.31.

Application forms: Application forms and program information packages will be ready for mailing on June 10, 1982. The information packages may be obtained by writing to the Division of Educational Support, Law-Related Education Program, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 1725, Donohoe Building), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. The Secretary strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Law-Related Education Program, 34 CFR Part 757. These regulations will continue to apply throughout the grant period, even though they have been repealed effective October 1, 1982; and

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 75 and 77.

Further information: For further information, contact Howard Essl, Program Officer, Law-Related Education Program, Division of Educational Support, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 1725, Donohoe Building), Washington, D.C. 20202. Telephone: (202) 245-2284.

[20 U.S.C. 3001]

(Catalog of Federal Domestic Assistance No. 84.123, (Law-Related Education Program))

Dated: June 3, 1982.

D. Jean Benish,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 82-15596 Filed 6-8-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreement; Proposed Subsequent Arrangements; Spain and Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation between the Government of the United States of America and the Governments of Spain and Switzerland Concerning Civil Uses of Atomic Energy, as amended, and as authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangements to be carried out under the above mentioned agreements and authority involve contractural arrangements under which DOE will consent, if requested, to the assignment of portions of various uranium enrichment services contracts held by U.S. and foreign utilities to the Taiwan Power Company, as shown below:

Separative Work Units and Fiscal Year

100,000—1984
185,000—1987
395,000—1988

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than June 23, 1982.

For the Department of Energy.

Dated: June 4, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-15598 Filed 6-8-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Subsequent Arrangements; Japan et al.

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Japan, Spain, and Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve contractual arrangements under which DOE will consent, if requested, to the assignment of portions of various uranium enrichment services contracts held by U.S. and foreign utilities as shown below:

Assignee	Separative work units	Fiscal year
Chugoku Electric Power Co	75,000	1986
Chugoku Electric Power Co	80,000	1987
Chugoku Electric Power Co	75,000	1989
Hokkaido Electric Power Co	24,000	1987
Tokyo Electric Power Co.	830,000	1988

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than June 24, 1982.

Dated: June 4, 1982.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-15597 Filed 6-8-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 82-CERT-010]

Public Service Electric and Gas Co.; Application for Recertification of the Use of Natural Gas to Displace Fuel Oil

On June 24, 1981, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 81-CERT-009). The certification was made effective June 25, 1981, and involved the purchase of natural gas from East Tennessee Natural Gas Company for use by Public Service at its electric generating facilities in New Jersey. These purchases are being delivered pursuant to the ERA certification in Docket No. 81-CERT-009. The ERA certificate expires on June 24, 1982.

On May 17, 1982, Public Service filed an application for recertification for one year of an eligible use of natural gas to displace fuel oil at its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearny in Kearny; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6144,

RG–631, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests recertification is up to 7.5 billion cubic feet per year. This volume is estimated to displace the use approximately 1,158,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 42,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (BCF)	Estimated oil displacement (in thousands of barrels)	
		0.3 percent sulfur No. 6 oil	0.2 percent sulfur No. 2 oil or 0.1 percent sulfur kerosene
1. Bergen Generating Station, Ridgefield, New Jersey	3.2	516	.....
2. Essex Generating Station, Newark, New Jersey	0.1	.....	21
3. Hudson Generating Station, Jersey City, New Jersey	2.9	457	.....
4. Kearny Generating Station, Kearny, New Jersey	.....	.....	.....
5. Linden Generating Station, Linden, New Jersey	.....	.....	.....
6. Sewaren, Generating Station, Sewaren, New Jersey	1.2	185	.....
7. Edison Generating Station, Edison, New Jersey	0.1	.....	21
8. Mercer Generating Station, Trenton, New Jersey	.....	.....	.....
Totals	7.5	1,158	42

The eligible seller is East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 37919. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, all of which are interstate natural gas pipelines.

Public Service has in effect certifications by the ERA which authorize purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount (Bcf per year)	Remarks
81–CERT–008	7.3	Effective June 24, 1981.
81–CERT–009	10.7	Effective June 24, 1981.
81–CERT–013	5.0	Effective July 21, 1981.
81–CERT–015	7.0	Effective July 25, 1982.
81–CERT–008	3.0	Effective May 24, 1982.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6144, RG–631, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, Attention: Paula A. Daigneault, on or before June 21, 1982.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., June 2, 1982.

F. Scott Bush,

Director, Oil and Gas Imports Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–15466 Filed 6–8–82; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 82–CERT–009]

Public Service Electric and Gas Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On June 24, 1981, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 81–CERT–008). The certificate was made effective on June 25, 1981, and involved the purchase of natural gas from National Gas and Oil Corporation for use by Public Service at its electric generating facilities in New Jersey. These purchases are being delivered pursuant to the ERA certification in Docket No. 81–CERT–008. The EPA certificate expires on June 24, 1982.

On May 17, 1982, Public Service filed an application for recertification for one year of an eligible use of natural gas to displace fuel oil at its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearny in Kearny; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6144, RG–631, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, from 8:00 a.m. to 4:30 p.m., Monday through Friday, Except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests recertification is up to 7.3 billion cubic feet per year. This volume is estimated to displace the use of approximately 1,102,000 barrels of No. 6 fuel oil (0.2 percent sulfur) and approximately 30,000 barrels of No. 2 fuel oil (0.1 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (Bcf)	Estimated oil displacement (in thousands of barrels)	
		0.3 percent sulfur No. 6 oil	0.2 percent sulfur No. 2 oil or 0.1 percent sulfur kerosene
1. Bergen Generating Station, Ridgefield, New Jersey	3.2	492	.....
2. Essex Generating Station, Newark, New Jersey	0.1	.....	15
3. Hudson Generating Station, Jersey City, New Jersey	2.8	435	.....
4. Kearny Generating Station, Kearny, New Jersey	.....	.....	.....
5. Linden Generating Station, Linden, New Jersey	.....	.....	.....
6. Sewaren Generating Station, Sewaren, New Jersey	1.1	175	.....
7. Edison Generating Station, Edison, New Jersey	0.1	.....	15
8. Mercer Generating Station, Trenton, New Jersey	.....	.....	.....

Location	Estimated volume (Bcf)	Estimated oil displacement (in thousands of barrels)	
		0.3 percent sulfur No. 6 oil	0.2 percent sulfur No. 2 oil or 0.1 percent sulfur kerosene
Totals	7.3	1,102	30

The eligible seller is National Gas and Oil Corporation, 1500 Granville Road, Newark, Ohio 43055. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipe line Corporation, P.O. Box 1396, Houston, Texas 77001, all of which are interstate natural gas pipelines.

Public Service has in effect certifications by the ERA which authorize purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount (Bcf per year)	Remarks
81-CERT-008	7.3	Effective June 24, 1981.
81-CERT-009	10.7	Effective June 24, 1981.
81-CERT-013	5.0	Effective July 21, 1981.
81-CERT-015	7.0	Effective July 25, 1982.
81-CERT-008	3.0	Effective May 24, 1982.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6144, RG-631, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, Attention: Paula A. Daigneault, on or before June 21, 1982.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should inlcude a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., June 2, 1982.

F. Scott Bush,

Director, Oil and Gas Imports Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-15467 Filed 6-8-82; 8:45 am]

BILLING CODE 6450-01-M

J.D. Streett Company, Inc.; Porposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to J.D. Streett Company, Inc. of Hazelwood, Missouri.

This Proposed Remedial Order charged J.D. Streett Company, Inc. with pricing violations in the amount of $2,948,350.46, plus accrued interest in sales of motor gasoline during the time period of January 1, 1978 through November 30, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 18th day of May, 1982.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

Jeanmarie Homan,

Office of General Counsel.

[FR Doc. 82-15559 Filed 6-8-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-278; PH-FRL 2141-1]

Certain Companies; Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions amending tolerances for residues of certain pesticide chemicals in or on certain raw commodities

ADDRESS: Written comments to: Henry Jacoby, Product Manager (PM) 21, Registration Division, Office of Pesticide Programs (TS-767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20464.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number "[PF-278]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, PM-21, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following petitions amending tolerances for residues of certain pesticide chemicals in or on certain raw commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 2F2602. In the **Federal Register** of January 13, 1982 (47 FR 1408), EPA announced that Diamond Shamrock Corp., Agricultural Chemical Div., 1100 Superior Ave., Cleveland, OH 44114, had submitted pesticide petition (PP) 2F2602 proposing to amend 40 CFR 180.275 by establishing tolerances for residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities stone fruits (apricots, cherries (sweet and sour)), damsons, nectarines, pawpaws, peaches, plums, and prunes at 0.2 ppm. Diamond Shamrock has amended this petition by proposing to establish tolerances on individual commodities as follows vice the collective commodity term "stone fruits,": apricots, cherries (sweet and sour), nectarines and peaches at 0.5 part per million (ppm); and plums and prunes at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography by electron capture.

FAP 1H5313. In the **Federal Register** of October 27, 1981 (46 FR 52419), EPA announced that Merck & Co., Inc. P.O. Box 2000, Rahway, NJ 07065, had submitted a feed addititve petition (FAP) 1H5313 proposing to amend 21 CFR 561.380(a) by establishing a regulation permitting residues of the fungicide thiabendazole [2-(4-thiazolyl)-benzimidazole] in or on the agricultural commodity wet grape pomace at 50.0

ppm. The company has amended the petition by increasing the tolerance to 150.0 ppm and adding dry grape pomace at 150.0 ppm.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: May 28, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-15443 Filed 6-18-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50576; PH-FRL 2136-4]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

275-EUP-28, Issuance. Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064. This experimental use permit allows the use of 5,470 BIUs of the insecticide *Bacillus thuringiensis,* serotype H-14 on estuarine areas, intermittently flooded pastures, irrigation ditches, natural marshes, rice paddies, roadside ditches, and sewage lagoons to evaluate the control of blackfly and mosquito larvae. A total of 3,000 acres are involved. The experimental use permit is effective from March 26, 1982 to March 26, 1984. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

275-EUP-29. Issuance. Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064. This experimental use permit allows the use of 3,650 BIUs of the insecticide *Bacillus thuringiensis,* serotype H-14 on estuarine areas, intermittently flooded pastures, irrigation ditches, rice paddies, roadside ditches, natural marshes, and sewage lagoons to evaluate the control of blackfly and mosquito larvae. A total of 2,000 acres are involved. The experimental use permit is effective from May 1, 1982 to May 1, 1983. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

275-EUP-30. Issuance. Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064. This experimental use permit allows the use of 816.3 BIUs of the insecticide *Bacillus thuringiensis,* serotype H-14 on estuarine areas, intermittently flooded pastures, irrigation ditches, natural marshes, rice paddies, roadside ditches, and sewage lagoons to evaluate the control of blackfly and mosquito larvae. A total of 500 acres are involved. This program and the two above are authorized in all 50 States. This experimental use permit is effective from May 1, 1982 to May 1, 1983. The permits will use the same active ingredient but will use different formulations. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

241-EUP-99. Issuance. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 660 pounds of the insecticide (±)cyano(3-phenoxyphenyl)-methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate on apples to evaluate the control of various insects. A total of 660 acres are involved. The program is authorized only in the States of California, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington, and West Virginia. The experimental use permit is effective from April 1, 1982 to April 1, 1983. A temporary tolerance for residues of the active ingredient in or on apples has been established. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

241-EUP-100. Issuance. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 16 pounds of the insecticide (±)cyano(3-phenoxyphenyl)-methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate on pears to evaluate the control of pear psylla. A total of 160 acres are involved only in the States of California, New York, Oregon, and Washington. The experimental use permit is effective from March 22, 1982 to March 22, 1983. A temporary tolerance for residues of the active ingredient in or on pears has been established. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

43142-EUP-1. Extension. BFC Chemicals, Inc., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805. This experimental use permit allows the use of 9,750 pounds of the insecticide amitraz on citrus to evaluate the control of various citrus insects. A total of 4,850 acres are involved only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from March 17, 1982 to March 17, 1983. Temporary tolerances for residues of the active ingredient in or on citrus; milk; fat, meat and meat byproducts of cattle, goats, hogs, horses, and sheep have been established. A feed additive regulation for residues of the active ingredient in or on citrus pulp has been established (21 CFR 561.195). Jay Ellenberger, PM 12, Rm. 202 CM#2, (703-557-2386))

45639-EUP-1. Extension. BFC Chemicals, Inc., 4311 Lancaster Pike, P.O. Box 2267, Wilmington, DE 19805. This experimental use permit allows the use of 180 pounds of the insecticide bendiocarb in residential areas to evaluate the control of adult mosquitoes. A total of 19,218 acres are involved. The program is authorized only in the States of Arkansas, California, Florida, Georgia, Illinois, Louisiana, Mississippi, New Jersey, New York, and Texas. The experimental use permit is effective from April 1, 1982 to April 1, 1983. (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

45639-EUP-4. Issuance. BFC Chemicals, Inc., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805. This experimental use permit allows the use of six pounds of the insecticide amitraz on approximately 30 cattle to evaluate the control of ticks. The program is authorized only in the States of California, Oklahoma, and Texas. The experimental use permit is effective from March 17, 1982 to March 17, 1983. A temporary tolerance for residues of the active ingredient in or on fat, meat and meat byproducts of cattle has been established. (Jay Ellenberger, PM 12, Rm. 202, CM#, (703-557-2386))

45639-EUP-5. Issuance. BFC Chemicals, Inc., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805. This experimental use permit allows the use of 500 pounds of the insecticide bendiocarb in populated and rural areas to evaluate the control of adult mosquitoes. A total of 10,000 acres are involved only in the States of California, Florida, Georgia, Illinois, and Texas. The experimental use permit is effective from March 10, 1982 to March 10, 1984.) Jay Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

464-EIP-56. Extension. Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 48,000 pounds of the insecticide chlorpyrifos on lemons and oranges to evaluate the control of

weevils. A total of 1,600 acres are involved only in the States of California, Florida, and Texas. The experimental use permit is effective from March 9, 1982 to June 30, 1983. Temporary tolerances for residues of the active ingredient in or on lemons and oranges have been established. A feed additive regulation for residues of the active ingredient in or on dried citrus pulp has been established (21 CFR 561.98). (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703–557–2386))

464–EUP–68. Extension. Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 3,000 pounds of the insecticide chlorpyrifos on lemons and oranges to evaluate the control of weevils. A total of 200 acres are involved only in the State of Florida. The experimental use permit is effective from March 9, 1982 to June 30, 1983. Temporary tolerances for residues of the active ingredient in or on oranges and lemons have been established. A feed additive regulation for residues of the active ingredient in or on dried citrus pulp has been established (21 CFR 561.98). (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703–557–2386))

464–EUP–72. Issuance. Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 264.6 pounds of the fungicide 2-chlora-6-(2-furanylmethoxy)-4-(trichloromethyl)pyridine on succulent beans and peas to evaluate the control of root rot diseases caused by *Aphanomyces, Pythium,* and *Rizoctonia* spp. A total of 1,220 acres are involved. The program is authorized only in the States of Idaho, Illinois, Minnesota, New York, Washington, and Wisconsin. The experimental use permit is effective from March 18, 1982 to January 15, 1983. Temporary tolerances for residues of the active ingredient in or on succulent beans and peas have been established. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

279–EUP–89. Issuance. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 1,440 pounds of the insecticide carbosulfan on apples to evaluate the control of various apple insects. A total of 90 acres are involved. The program is authorized only in the States of California, Georgia, Idaho, Maine, Maryland, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Virginia, Washington, and West Virginia. The experimental use permit is effective from March 10, 1982 to March 10, 1983. This permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703–557–2386))

276–EUP–90. Issuance. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 4,300 pounds of the insecticide carbosulfan on soybeans to evaluate the control of soybean cyst nematodes. A total of 2,150 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. The expermental use permit is effective from March 23, 1982 to March 23, 1983. This permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Jay Ellenberger, PM 12, RM. 202, CM#2, (703–557–2386))

10182–EUP–19. Amendment and Extension. ICI Americas Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897. Notice published in the **Federal Register** of February 17, 1982 (47 FR 6992) pertaining to the extension of an experimental use permit, No. 10182–EUP–19, to ICI Americas Inc. At the request of the company, the permit has been amended to allow 5,550 additional acres and 11,100 pounds of the active ingredient. This experimental use permit now allows the use of 12,000 pounds of the insecticide (±)alpha-cyano-(3-phenoxphenyl)methyl(±)-*cis, trans*-3-(2,2,-dichlorethenyl)-2,2-dimethylcyclopropanecarboxylate on cotton to evaluate the control of various insects. A total of 6,000 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from March 5, 1982 to March 5, 1984. A temporary tolerance for residues of the active ingredient in or on cottonseed; milk; fat, meat and meat byproducts of cattle, goats, hogs, horses, and sheep has been established. A food additive regulation for residues of the active ingredient in or on cottonseed oil has been established (21 CFR 193.87). (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

10182–EUP–25. Issuance. ICI Americas Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897. This experimental use permit allows the use of 9,875 pounds of the insecticide(±)alpha-cyano-(3-Phenoxyphenyl)methyl (±)-*cis,-trans*-3-(2,2-dichlorethenyl)-2,2-Dimethlycyclopropranecarboxylate on cotton as a ULV application in oil to evaluate the control of various insects. A total of 6,912 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebrasaka, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from March 10, 1982 to March 10, 1983. A temporary tolerance for residues of the active ingredient in or on cottonseed; milk; fat, meat and meat byproducts of cattle, goats, hogs, horses, and sheep has been established. A food additive regulation for residues of the active ingredient in or on cottonseed oil has been established (21 CFR 193.87). (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

524–EUP–59. Issuance. Monsanto Company, 1101 17th St. NW., Washington, DC 20036. This experimental use permit allows the use of 10,000 pounds of the herbicides alachlor and atrazine on corn to evaluate the control of weeds. A total of 2,595 acres are involved. The program is authorized in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from March 19, 1982 to March 19, 1984. Permanenet tolerances for residues of the active ingredients in or on corn have been established (40 CFR 180.220 and 180.249). (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800))

11273–EUP–29. Issuance. Sandoz, Inc., 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of 22.8 pounds of the insecticide *Bacillus thuringiensis, Berliner on forest to evaluate the control of gypsy moths. A total of 300 acres are involved in the State of Pennsylvania. The experimental use permit is effective from March 26, 1982 to March 26, 1983. This permit is being issued with the limitation that none of*

the material will enter the food chain. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

27586–EUP–25. Renewal. USDA Forest Service, P.O. Box 2417, Washington, DC 20013. This experimental use permit allows the use of 0.00028 pound of the polyhedral inclusion bodies of *N. Sertifer* nucleopolyhedrosis virus on forest to evaluate the control of the European pine sawfly. A total of 500 acres are involved. The program is authorized only in the States of Connecticut, Missouri, New Jersey, Pennsylvania, Vermont, and Wisconsin. The permit was previously effective from July 9, 1980 to July 9, 1981. It is now effective from April 1, 1982 to April 1, 1983. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

Person wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: May 20, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–14696 Filed 6–8 82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference; Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It

Task Group A–2 of Working Group A: Facilities and Technology.

Chairman: Jeffrey Binckes, (202) 863–6864.

Date: Tuesday, June 22, 1982.

Time: 9:15 A.M.-2:00 P.M.

Location: Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Room 5130, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–15633 Filed 6–8–82; 8:45 am]

BILLING CODE 6712–01–M

[FCC 82–251]

Closed Circuit Test of the Emergency Broadcast System; Week of June 21, 1982

June 3, 1982.

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of June 21, 1982. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio Radio network affiliates and the Public Broadcast Service (PBS) Television network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. The ABC, CBS and NBC television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be Broadcast over the air.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–15634 Filed 6–8–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Consolidated Reports of Condition and Consolidated Reports of Income; Commercial Banks; Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Consolidated Reports of Condition and Consolidated Reports of Income—Commercial Banks.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550–17th Street, N.W., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503. Comments should be received on or before August 9, 1982.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact Dr. Panos Konstas, Information Clearance Officer, FDIC, telephone (202) 389–4351.

Summary: The proposed information collection involves two groups of changes in the quarterly report of condition for commercial banks. One group, which affects the reports of the 9,268 state banks that are not members of the Federal Reserve System, includes: (a) The addition of an item for reporting the total amount of deposits in Individual Retirement Accounts (IRA) and Keogh Plan accounts and (b) provisions for the reporting of the 91-day maturity money market time deposits and 3½-year maturity time certificates of deposit as authorized recently by the Depository Institutions Deregulation Committee. This information will be used primarily for the monetary policy functions of the Federal Reserve System.

The second group of changes involves the collection of three items through the June 1982 Report of Condition of each FDIC-insured commercial bank. The three items to be collected include total outstanding balances in deposit accounts of $100,000 or less, those more than $100,000, and the total *number* of accounts with balances greater than $100,000. This information will be used mainly by FDIC in connection with its program of assessments to banks for Federal deposit insurance.

It is estimated that the collection identified in the two groups above will create a reporting burden to respondents of 5,425 hours.

Dated: June 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82–15592 Filed 6–8–82; 8:45 am]

BILLING CODE 6714–01–M

Consolidated Reports of Condition and Consolidated Reports of Income; Mutual Savings Banks; Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Consolidated Reports of Condition and Consolidated Reports of Income—Mutual Savings Banks.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle, L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550–17th Street, N.W., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503. Comments should be received on or before August 9, 1982.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact Dr. Panos Konstas, Information Clearance Officer, FDIC, telephone (202) 389–4351.

SUMMARY: The proposed information collection involves two groups of changes in the quarterly report of condition for 330 mutual savings banks insured by FDIC. One group includes: (a) The addition of an item for reporting the total amount of deposits in Individual Retirement Accounts (IRA) and Keogh Plan accounts and (b) provisions for the reporting of the 91-day maturity money market time deposits and 3½-year maturity time certificates of deposits as authorized recently by the Depository Institutions Deregulation Committee. This information will be used primarily for the monetary policy functions of the Federal Reserve System.

The second group of changes involves the collection of three items through the June 1982 Report of Condition of each FDIC-insured mutual savings bank. The three items to be collected include total outstanding balances in deposit accounts of $100,000 or less, those more than $100,000, and the total *number* of accounts with balances greater than $100,000. This information will be used mainly by FDIC in connection with its program of assessments to banks for Federal deposit insurance.

It is estimated that the collection identified in the two groups above will create a reporting burden to respondents of 121 hours.

Dated: June 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82–15593 Filed 6–8–82; 8:45 am]

BILLING CODE 6714–01–M

Summary of Accounts and Deposits; Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Summary of Accounts and Deposits.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550–17th Street, NW., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503. Comments should be received on or before August 9, 1982.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact Dr. Panos Konstas, Information Clearance Officer, FDIC, telephone (202) 389–4351.

SUMMARY: This information collection obtains account balances on a "bank office" basis by type of deposit account at commercial and mutual savings banks. All banks that have branches in the U.S. are surveyed. Four types of accounts are specified: Demand, savings, and time deposits for individuals, partnerships and corporations; and accounts for public funds. The data, which provide a basis for measuring the competitive impact of bank mergers, will be reported as of June 30, 1982. All of this information will be made available to the public after it has been processed and edited for errors, which should occur toward the end of 1982.

The amount of information asked for in this year's collection, as well as the ensuring reporting burdens to respondents, has been reduced quite substantially from the 1981 levels of this survey. We estimate that the required reporting time expended by the respondent institutions will be shortened from 275,000 hours last year to about 54,000 hours this year, or a reduction of 80 percent.

Dated: June 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82–15591 Filed 6–8–82; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–659–DR]

Major Disaster and Related Determinations; Texas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA–659–DR), dated May 25, 1982, and related determinations.

DATED: May 25, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

SUPPLEMENTARY INFORMATION: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of May 25, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms and flooding beginning on or about May 12, 1982, is of sufficient severity and magnitude to warrrant a major-disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You are also authorized to provide Public Assistance in the affected areas if justified by an additional request from the Governor accompanied by an appropriate commitment. Consistent with

the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Alton S. Ray of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster:

Wichita County for Individual Assistance only.

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

(Catalog of Federal Domestic Assistance No. 83-300, Disaster Assistance. Billing Code 6718-02)

[FR Doc. 82-15551 Filed 6-8-82; 8:45 am]

BILLING CODE 6718-01-M

[Docket: FEMA-REP-4SC-3]

South Carolina Radiological Emergency Response Plan for Plant Oconee

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of South Carolina has submitted its radiological emergency plan to the FEMA Regional office. These plans support nuclear power plants which impact on South Carolina and include those of local governments near the Duke Power Company's Oconee Nuclear Station located in Oconee County, South Carolina.

DATE: Plans Received: May 7, 1982

FOR FURTHER INFORMATION CONTACT: Mr. Major P. May, Regional Director, FEMA Region IV, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309, (404) 881-2400.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of South Carolina was received by the Federal Emergency Management Agency Region IV Office.

Include are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Oconee Nuclear Station, plans are included for Oconee and Pickens Counties.

Copies of the Plan are available for review at the FEMA Region IV Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act Requests, as set out in subpart C of 44 CFR Part 5. There are 1,460 pages in the document; reproduction fees are $1.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Major P. May, Regional Director, at the above address within thirty days of this **Federal Register** notice.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting were announced in the Pickens Sentinel at least two week prior to the scheduled meeting. Local radio and television stations were requested to announce the meeting. This required public meeting was held at Seneca, South Carolina on March 9, 1982.

Major P. May,

Regional Director.

[FR Doc. 82-15552 Filed 6-8 82; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 1, 1982.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York 10045:

1. *The Chase Manhattan Corporation,* New York, New York (finance, servicing, and leasing activities; Southeastern U.S.): To engage through its indirect subsidiary, Chase Commercial Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance, equipment finance or factoring company, including factoring accounts receivable, making advances and over-advances or receivables and inventory and business installment lending as well as unsecured commerical loans; servicing loans and other extensions or credit; leasing personal property on a full payout basis and in accordance with the Board's Regulation Y, on acting as agent, broker or advisor in so leasing such property, including the leasing of motor vehicles. These activities would be conducted from an office in Plantation, Florida serving the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North

Carolina, South Carolina, Tennessee, and Virginia.

2. *The Hongkong and Shanghai Banking Corporation,* Hong Kong, B.C.C. (lending, financing, servicing, leasing, and representational services activities; southern United States): To engage, through its subsidiary, Hongkong Bancorp Inc., in making or acquiring loans and other extensions of credit, secured or unsecured (other than consumer loans): commercial financing, including revolving credit secured by inventory, accounts receivable or other assets; conditional sales financing; lease financing and making lease of personal property in accordance with the Board's Regulation Y; issuing letters of credit; accepting drafts; servicing loans for its own account and the account of other; purchasing loan and lease portfolios; purchasing and selling loan participations; and providing reprersentation services for its banking affiliates. Activities will be conducted from an office in Houston, Texas, serving the States of Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas.

Correction

3. *Ramapo Financial Corporation,* Wayne, New Jersey. This notice corrects a previous **Federal Register** document (FR Doc. 82-14259) published at page 23023 of the issue for Wednesday, May 26, 1982. The first four lines of the document should be corrected to read as follows: Ramapo Financial Corporation, Wayne, New Jersey (loan servicing and data processing activities; New York and New Jersey).

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation,* Atlanta, Georgia (mortgage banking and insurance activities; Georgia): To engage, through its subsidiary, Citizens and Southern Mortgage Company, in mortgage lending and mortgage banking activities, including the extension of direct loans to consumers, the purchase and discount of real estate loans and other extensions of credit, making, acquiring, servicing or soliciting, for its own account or for the account of others, loans and other extensions of credit; and acting as agent for the sale of life, accidents and health, and physical damage insurance directly related to its extensions of credit. These activities would be conducted from offices in Athens, College Park, Macon, Roswell, Savannah, and Tucker, Georgia, serving the SMSA in which each is located, and Valdosta, Georgia, serving Lowndes County, Georgia.

Board of Governors of the Federal Reserve System, June 2, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-15560 Filed 6-8-82; 8:45 am]

BILLING CODE 6210-01-M

Citizens and Southern Georgia Corp.; Proposed Acquisition of Oglethorpe Loan Co.

Citizens and Southern Georgia Corporation, Altanta, Georgia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Oglethorpe Loan Co., Savannah, Georgia, through a merger with Applicant's subsidiary, Family Credit Services, Inc., Tucker, Georgia.

Applicant states that the subject subsidiary would perform the following activities as a result of the proposed acquisition: consumer finance activities under the Georgia Industrial Loan Act; other consumer and commercial finance activities; and acting as agent for sale of life, accident and health, and physical damage insurance directly related to extentions of credit. These activities would be performed from offices of Applicant's subsidiary in Savannah, Georgia, and the geographic area to be served in the Savannah SMSA. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrived by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than July 3, 1982.

Board of Governors of the Federal Reserve System, June 2, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-15562 Filed 6-8-82; 8:45 am]

BILLING CODE 6210-01-M

FM Co.; Proposed Acquisition of Barnard Agency

FM Company, Milligan, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Barnard Agency, Milligan, Nebraska.

Applicant states that the proposed subsidiary would engage in the sale of insurance in a community that has a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Milligan, Nebraska, and the geographic area to be served is Milligan, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than July 3, 1982.

Board of Governors of the Federal Reserve System, June 2, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-15563 Filed 6-8-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.G. 1842(a)(1)) to become a bank holding company by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. Interested persons may express their views in writing to the address indicated for the application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *CNB Bancorporation, Inc.*, Seiling, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Community National Bank, Seiling, Oklahoma. Comments on this application must be received not later than July 2, 1982.

Board of Governors of the Federal Reserve System, June 2, 1981.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-15561 Filed 6-8-82; 8:45 am]

BILLING CODE 6210-01-M

Rhode Island Hospital Trust National Bank; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Hospital Trust International Banking Corporation, Miami, Florida. Hospital Trust International Banking Corporation would operate as a subsidiary of Rhode Island Hospital Trust National Bank, Providence, Rhode Island. The factors that are considered in acting on the applications are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of th Federal Reserve System, Washington, D.C. 20551, to be received no later than July 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 81-15564 Filed 6-8-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

National Professional Standards Review Council; Request for Nomination of Members

The terms of four members of the National Professional Standards Review Council will expire as of June 30, 1982. The purpose of this notice is to solicit suggestions for qualified physicians to fill the impending vacancies.

The National Professional Standards Review Council was established under Section 1163 of the Social Security Act (42 U.S.C. 1320c-12) and is composed of eleven physicians, one doctor of dental surgery or of dental medicine, one registered professional nurse, and one other nonphysician health professional.

For this solicitation notice, only the terms of four physician members are expiring and the Department is solely requesting physician nominees. The physician must be of recognized standing and distinction in the appraisal of medical practice. A majority of the Council's physician members must be recommended by national organizations recognized by the Secretary as representing practicing physicians. The membership of the Council must include physicians recommended by consumer groups and other health care interests. Members are appointed for 3 years and are eligible for reappointment. All members of the Council may not otherwise be in the employ of the United States.

In order to achieve a balance of expertise of the Council, we are particularly interested in nominees experienced in the areas of health care financing, specialized medical review methodologies such as ancillary services review, preventive health and data analysis.

Send nominations and curriculum vitae by July 9, 1982 to: Nora McGlaughlin, Staff Director, National Professional Standards Review Council, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, Telephone: (301) 594-9207.

Nominations must state that the nominee is aware of the nomination and is willing to serve as a member of the Council.

Thank you for your assistance and prompt attention.

Dated: May 28, 1982.

Carolyne K. Davis,

Administrator.

[FR Doc. 82-15612 Filed 6-8-82; 8:45 am]

BILLING CODE 4120-03-M

Health Services Administration

Health Education Assistance Loan Program; Maximum Interest Rates for Quarter Ending June 30, 1982

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a) (4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending June 30, 1982, two interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) Program.

1. For loans made before January 27, 1981, the variable interest rate is 13¼ percent. Using the regulatory formula (45 CFR 126.13(a) (2) (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calcuated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury Bills for the preceding calendar quarter (13.55 percent), and rounding the result (10.05 percent) upward to the nearest ⅛ percent (10⅛ percent). Thus, the variable rate for this

3-month period would normally be at the annual rate of 17⅛ percent (10⅛ percent plus 7 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eight of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. For the previous 3 quarters the variable interest at the annual rate was as follows: 11 percent for the quarter ending September 30, 1981; 11⅛ percent for the quarter ending December 31, 1981; and 12⅝ percent for the quarter ending March 31, 1982. Therefore, in order to maintain an average annual rate of 12 percent for the 12-month period ending June 30, 1982, the variable interest rate for the quarter ending June 30, 1982, would be at an annual rate of 13¼ percent.

2. For fixed rate loans executed during the period of April 1 through June 30, 1982, and for variable rate loans executed after January 27, 1981, the interest rate is 17⅛ percent. Using the regulatory formula (42 CFR 60.13(a)(3), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury Bills during the preceding quarter (13.56 percent); adding 3.50 percent (17.06 percent); and rounding that figure to the next higher one-eighth of 1 percent (17⅛ percent).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: May 28, 1982.

John H. Kelso,

Acting Administrator.

[FR Doc. 82-15627 Filed 6-8-82 8:45 am]

BILLING CODE 4160-16-M

Social Security Administration

Federal Supplemental Security Income for the Aged, Blind and Disabled; Final Version of Revised Reconsideration and Supplemental Security Income Notification Forms

AGENCY: Social Security Administration, HHS.

ACTION: Notice of changes in reconsideration and supplemental security income notification forms.

SUMMARY: We have revised the Social Security Administration Request for Reconsideration (SSA-561) and Supplemental Security Income Notice of Planned Action (SSA-L8155). The changes affect only supplemental security income (SSI) applicants and recipients. We have done this to explain in simpler language the types of appeal available at the reconsideration level, after an initial determination adverse to the applicant or recipient.

Copies of the revised forms are being published in the **Federal Register** with this notice. A discussion of the reconsideration process, explanation of the proposed changes and copies of the current and proposed forms were published for public comment in the Notices Section of the **Federal Register** Vol. 46. No. 161, Thursday, August 20, 1981, pp. 42337-42348.

Response to Comments on Federal Register Notice

Public comments were received from seven respondents. All respondents approved of the simplification of the language used to explain the reconsideration step of the appeals process. The Social Security Administration (SSA) has reviewed all comments in light of the purpose for revising the language currently used and has evaluated the comments, as follows:

1. Two respondents requested that more information be provided the individual receiving the SSA-L8155, Supplemental Security Income Notice of Planned Action, namely that it include:

a. The name of the agency performing the specific type of review;

b. The types of evidence which may be submitted for the consideration step;

c. The specific individuals who have the right to the reconsideration step of the appeal process;

d. Advice on which form of appeal is more advantageous based on the issue in question.

While these are good comments, we believe the addition of more specific information obviates the purpose of revising the language—that is, to state as clearly and as simply as possible the rights of the individual receiving this notice. Pamphlets are available at the local social security office which explain in greater detail the steps of appeal, as well as where and how they are conducted. In addition, we believe the more specific information included, over and above what is necessary to explain which form the reconsideration step may take, could confuse an individual. Further, the addition of who will conduct the case review, informal or formal conference should not sway the individual in his or her decision to request reconsideration. Adding this information would require several more paragraphs to explain something which should not be pertinent to the individual exercising the right of appeal. Finally, the individual's freedom of choice could be jeopardized by a statement which advises him or her to choose a certain form of appeal.

2. Two respondents requested that SSA change certain words and phrases used on the form SSA-561, Request for Reconsideration. We accepted the change of wording from "You can give us more facts about your case," to "You can give us more facts to add to your file." This change makes the language consistent in both forms SSA-561 and SSA-L8155. In addition, we accepted the request to change the heading on the face side of the proposed SSA-561, "Supplemental Security Income Reconsideration Only (see reverse)," to "Supplemental Security Income Reconsideration Only (see the back of this form)." Although this adds more words to the form, the change in wording is in agreement with the intent of the changes—to simplify the language.

3. Two respondents requested that SSA retitle the three ways to appeal. We did not accept the suggestions to change the titles of the three ways to appeal. The explanation of the three ways to appeal, as proposed, states in simple language what these three ways mean. Retitling the three ways to appeal would require a change in regulations as well as instructions and other forms used by SSA. In addition, we see no purpose served by changing "determination" to "decision," or reinstituting "subpoena" instead of the proposed phrase which explains that we can make people come to a formal conference and bring papers important to their case. In the first instance, a change in regulations would be required; in the second, we would be using a word which is inappropriate for the SSI population.

4. One respondent recommended revising the SSA-L8155 to show the 10-day appeal period before the 60-day appeal. We believe the paragraphs explaining the different time periods are logically placed, since the 60-day period is the general rule, and the individual should be informed, early in the explanation, of the maximum time limit available.

5. One respondent asked whether a toll free number could be included in the notice. We believe that most individuals have had sufficient contact with the local social security office to be able to call a number previously provided or to use the telephone book which lists the local office numbers. The local social security office would be the appropriate number to call, since that office could answer specific questions.

Conclusion

The adoption of these revised forms should be a major step forward in effective communication with SSI recipients. These forms will be used as the stock of current forms is depleted, but no later than September 30, 1982.

Dated: June 3, 1982.

Louis D. Enoff,

Deputy to the Deputy Commissioner, Programs.

BILLING CODE 4190-11-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710 Form Approved OMB No. 0960-0063

REQUEST FOR RECONSIDERATION

The information on this form is authorized by law (20 CFR 404.907 – 404.921 and 416.1407 – 416.1421). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

(Do not write in this space)

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER
SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*	
CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*	

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

SUPPLEMENTAL SECURITY INCOME RECONSIDERATION ONLY *(see back of this form)*

"I want to appeal your decision about my claim for supplemental security income. I've read the back of this form about the three ways to appeal. I've checked the box below."

☐ Case Review ☐ Informal Conference ☐ Formal Conference

Signature *(First name, middle initial, last name) (Write in ink)*	Date *(Month, day, year)*
SIGN HERE ➧	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses.

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

ROUTING INSTRUCTIONS *(Check one)*

☐ State Agency *(Route with disability folder)*
☐ Program Service Center
☐ ODO, Balto.
☐ District Office Reconsideration
☐ Division of International Operations, Balto.
☐ OCRO, Balto.

Form SSA-561-U2 (2-82)

NOTE: Take or mail completed copies to your Social Security Office.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved
OMB No. 0960-0063

REQUEST FOR RECONSIDERATION

The information on this form is authorized by law (20 CFR 404.907 – 404.921 and 416.1407 – 416.1421). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

(Do not write in this space)

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER
SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*	
CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*	

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

SUPPLEMENTAL SECURITY INCOME RECONSIDERATION ONLY *(see back of this form)*

"I want to appeal your decision about my claim for supplemental security income. I've read the back of this form about the three ways to appeal. I've checked the box below."

☐ Case Review ☐ Informal Conference ☐ Formal Conference

Signature *(First name, middle initial, last name) (Write in ink)*	Date *(Month, day, year)*
SIGN HERE ➧	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses.

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

Form SSA-561-U2 (2-82)

CLAIMANT'S COPY

HOW TO APPEAL YOUR SUPPLEMENTAL SECURITY INCOME (SSI) DECISION

There are three different ways to appeal. You can pick the appeal that fits your case. The person who gave you this form can tell how these appeals work. You can have a lawyer, friend, or someone else help you with your appeal.

Here are the three ways to appeal:

1. **CASE REVIEW:**

   You can give us more facts to add to your file. Then we'll decide your case again. You don't meet with the person who decides your case.

   You can pick this kind of appeal in all cases.

2. **INFORMAL CONFERENCE:**

   You'll meet with the person who will decide your case. You can tell that person why you think you're right. You can give us more facts to help prove you're right. You can bring other people to help explain your case.

   You can pick this kind of appeal in all cases *except* two. You can't have it if we turned down your application for medical reasons or because you're not blind. Also you can't have it if we're giving you SSI but you disagree with the date we said you became blind or disabled.

3. **FORMAL CONFERENCE:**

   This is a meeting like an informal conference. Plus, we can make people come to help prove you're right. We can do this even if they don't want to help you. You can question these people at your meeting.

   You can pick this kind of appeal only if we're stopping or lowering your SSI check. You can't get it in any other case.

Now you know the three kinds of appeals. You can pick the one that fits your case. Then fill out the front of this form. We'll help you fill it out.

There are groups that can help you with your appeal. Some can give you a free lawyer. We can give you the names of these groups.

NOTE: DON'T FILL OUT THIS FORM IF WE SAID WE'LL STOP YOUR SSI DISABILITY CHECK FOR MEDICAL REASONS OR BECAUSE YOU'RE NO LONGER BLIND. WE'LL GIVE YOU THE RIGHT FORM (HA-501-U5) FOR YOUR APPEAL.

Supplemental Security Income
Notice of Planned Action

From: Department of Health and Human Services
Social Security Administration

Date:

Social Security Number:

Your payments (or those of the individual named above) will be changed as follows:

We won't change your check if you *appeal within 10 days* after getting this notice.

TURN THIS OVER if you think we're wrong ▶

Form SSA-L8155 (2-82)

YOUR RIGHT TO APPEAL

Do you think we're wrong? If so, you have the right to appeal. If you appeal, we'll review our decision. We'll change mistakes. Do you have other questions? If so, get in touch with us. Please bring this notice with you if you come to a social security office.

You have **60 DAYS TO APPEAL** after you get this notice. If you wait more than 60 days, you must have a good excuse.

APPEAL IN 10 DAYS TO KEEP GETTING YOUR SAME CHECK

We won't change your check if you appeal **within 10 days** after getting this notice. You'll keep getting your same check until we decide your appeal. If you lose your appeal, you *might* have to pay some or all of this money back.

HOW TO APPEAL

There are three different ways to appeal. You can pick the one you want. The people in our offices can explain how these appeals work. You can have a lawyer, friend, or someone else help you with your appeal.

Here are the three ways to appeal:

1. **CASE REVIEW:**

   You can give us more facts to add to your file. Then we'll decide your case again. You don't meet with the person who decides your case.

2. **INFORMAL CONFERENCE:**

   You'll meet with the person who will decide your case. You can tell that person why you think you're right. You can give us more facts to help prove you're right. You can bring other people to help explain your case.

3. **FORMAL CONFERENCE:**

   This is a meeting like an informal conference. Plus, we can make people come to help prove you're right. We can make them bring important papers about your case. We can do this even if they don't want to help you. You can question these people at your meeting.

To appeal, you must fill out a form at one of our offices. It is called a Request for Reconsideration, SSA-561. On the form, **YOU PICK THE KIND OF APPEAL YOU WANT.** We'll help you fill it out.

There are groups that can help you with your appeal. Some can give you a free lawyer. We can give you names of these groups.

[FR Doc. 82-15589 Filed 6-8-83; 8:45 am]
BILLING CODE 4190-11-C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Issuance of a Recreation and Public Purposes Lease in a Floodplain

AGENCY: Bureau of Land Management, Interior.

ACTION: Issuance of a Recreation and Public Purposes Lease for a Sewage Treatment Facility in the Lower Colorado River Floodplain.

SUMMARY: Notice is hereby given pursuant to the requirements of Floodplain Management Policy and Protection Procedures, 4310–84–M, **Federal Register**, Vol. 44, March 15, 1979, implementing E.O. 11988. The Bureau of Land Management will issue a recreation and public purposes lease to the Town of San Luis, Arizona for a sewage treatment facility. The facility site is located in the floodplain of the Lower Colorado River in Sections 2 and 11, T. 11 S., R. 25 W., G&SRM. It lies approximately 1 mile west of the San Luis township.

EFFECTIVE DATE: June 25, 1982.

FOR FURTHER INFORMATION CONTACT: Allan J. Belt, Bureau of Land Management, Yuma District Office, P.O. Box 5680, Yuma, Arizona 85364, 602–726–6300.

SUPPLEMENTARY INFORMATION: In accordance with the National Environmental Policy Act and Executive Order 11988, the Bureau of Land Management prepared an environmental assessment of alternatives for the sewage treatment facility. Draft copies of the assessment were distributed for agency and public review. The site originally under application by the Town of San Luis, located outside of the floodplain, was rejected in the assessment primarily because airborne contaminants from the site would have been carried over nearby populated areas and its development would have removed agricultural land from production. An alternative site, located outside of the floodplain on a mesa east of the townsite was rejected primarily because airborne contaminants would have affected proposed residential developments in the area and the costs of pumping sewage of the mesa level from the townsite would have been prohibitive. The no action alternative was rejected because the potential for groundwater contamination from continued use of spetic tanks would have hindered the future growth of the community and adjacent areas. Consequently, on the basis of the assessment, location of the sewage treatment facility at an alternative site within the floodplain appeared to be the only practiable alternative.

The facility site is situated at the edge of the "floodway fringe" area of the floodplain. It is completely surrounded by the Yuma Valley Levee and its extensions. Floodproofing would be accomplished by raising the existing levees above the 100-year flood level. Such an action would, in effect, exclude the site from the "floodway fringe" area. No significant adverse impacts to natural and beneficial floodplain values are anticipated from the development of a sewage treatment facility at the site.

The facility will comply with all applicable Federal, State and local laws, regulations and standards concerning protection and enhancement of environmental quality and pollution control and abatement.

Development of a sewage treatment facility at the site is consistent with the Yuma County Floodplain Management Plan. The action has been approved by Yuma County.

Since the site is presently located on Federal land, National Flood Insurance (NFI) programs are not applicable. Should a patent for the site be issued to the Town of San Luis following completion of the sewage treatment facility, however, the applicability of the NFI programs would have to be reevaluated.

Persons, agencies and organizations involved in the project include:

Town of San Luis
Moore, Knickerbocker, Jones and Associates, Inc.
International Boundary and Water Commission
U.S. Bureau of Reclamation
Yuma County Health Department
National Council of La Raza
Yuma County Water User's Association
Arizona Office of Economic Planning and Development
Department of Energy, Western Area Power Administration
District #4, Council of Governments
Yuma County Board of Supervisors
Yuma County Planning and Zoning Department
Arizona Game and Fish Department
Arizona State Land Department
Arizona Department of Health Services
Laguna Natural Resource Conservation District
General Services Administration

Gary A. McVicker,
District Manager.

[FR Doc. 82–15144 Filed 6–8–82; 8:45 am]
BILLING CODE 4310–84–M

Canon City District Grazing Advisory Board; Meeting

Notice is hereby given under Pub. L. 92–463 that a meeting of the Canon City District Grazing Advisory Board will be held at 10:00 a.m., Monday, July 12, 1982, at the Chaffee County Bank, 146 G Street, Salida, Colorado.

The purpose of the meeting is to review allotment management plan implementation and to initiate, conduct and settle business pertaining to expenditure of Range Betterment and Improvement Funds.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first serve basis. Any person may file with the Board a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting may contact Melvin D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado 81212, at (303) 275–0631.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated: May 28, 1982.

Melvin D. Clausen,
District Manager.

[FR Doc. 82–15630 Filed 6–8–82; 8:45 am]
BILLING CODE 4310–84–M

Casper District; Off-Road Vehicle Designation Decisions

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decisions.

SUMMARY: The Casper District, Bureau of Land Management has completed decisions to designate 512,051 acres of public land in Johnson County, Wyoming as open, limited, or closed to off-road vehicle use. Designations are a result of land use planning decisions made in the 1979 Buffalo Management Framework Plan. During planning, comments were received on various areas proposed for designation. In addition, information letters inviting comments were sent to over 300 interested individuals and organizations.

The effect of the designations is to limit off-road vehicle use on most public lands to existing roads and vehicle routes. However, most public lands are open to oversnow vehicle use. Use on a few areas is limited to designated roads

and vehicle routes and three areas are closed to all motorized vehicles.

DATES: The decisions will become final July 9, 1982.

FOR FURTHER INFORMATION CONTACT: Forest Littrell, Area Manager, Buffalo Resource Area, P.O. Area 670, Buffalo, Wyoming 82834, (307) 684–5586. Paul Arrasmith, District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601, (307) 261–5101.

SUPPLEMENTARY INFORMATION: The authority for this decision is derived from Executive Orders 11644 and 11989 and regulations contained in 43 CFR 8340.

Specific area designations are as follows:

I. *Open Designation:* Vehicle travel is permitted in the area (both on and off roads) if the vehicle is operated responsibly in a manner not causing, or unlikely to cause significant, undue damage to, or disturbance of, the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses on 20,386 acres of the following described public lands.

1. The majority of stock driveway and rests located throughout Johnson County (16,746 acres).

2. An area of land located near the Powder River and south of I–90 (3,640 acres).

II. *Limited Designation:*

A. Use is limited to existing roads and vehicle routes on 326,187 acres. Use is limited to those roads and vehicle routes in existence as of the date of this publication. Temporary excursions leaving existing vehicluar routes are permitted only to accomplish *necessary tasks* and only if such travel does not result in resource damage such as erosion, water pollution, ruts or other long-term signs of vehicle use. Necessary tasks are work requiring the use of a motor vehicle.

Random or unnecessary travel from existing vehcile routes is not allowed. Creation of new routes, or extension or widening of existing routes, is not allowed without prior written approval by the district manager.

B. Vehicle use is limited to designated roads and vehicle routes within the following areas:

1. The North Fork of the Powder River Area located 10 miles northwest of Mayoworth, Wyoming (16,432).

2. The Gardner Mountain Area located 10 miles north of Barnum, Wyoming (28,832 acres).

3. A narrow strip of land containing a geologic formation called the "Red Wall" which traverses from near Barnum to the county line in southern Johnson County (5,442 acres).

4. The Middle Fork Management Area located 12 miles southwest of Barnum, Wyoming (30,640 acres).

5. The Petrified Forest located nine miles east of Buffalo, Wyoming (427 acres).

6. The Fortification Creek Area located in the northeast corner of Johnson County (22,337).

7. The Powder River Breaks located 26 miles east of Buffalo, Wyoming on the north and south side of I–90 (19,427 acres).

8. Sections of the Bozeman Trail located in central and southern Johnson County (645 acres).

Vehicle travel will be permitted on roads and vehicle routes designated by BLM. Until maps are issued and signs posted, vehicular travel is limited to existing roads and vehicle routes.

C. Vehicle travel is limited to time or season-of-use. Approximately 37,646 acres will be seasonally closed to all motor vehicles including snowmobiles from December 1 to April 15 each year to protect critical big game winter habitat. The following areas will be effected:

1. The North Fork of the Powder River Area located 10 miles northwest of Mayoworth, Wyoming (16,432 acres).

2. A 2,800-acre parcel of land located on Barnum Mountain, six miles west of Barnum, Wyoming.

3. A portion of the Middle Fork Management Area, located 12 miles southwest of Barnum, Wyoming containing 6,800 acres.

4. A 11,614-acre parcel of land in the Fortification Creek Area, located in northeastern Johnson County.

III. *Closed Designation:* Vehicle travel is prohibited (including snowmobiles) on 3,650 acres of public land in the following areas:

1. The Middle Fork Canyon located six miles southwest of Barnum, Wyoming and containing 3,038 acres.

2. Cantonment Reno, which is located 20 miles northeast of Kaycee, contains 572 acres.

3. The Dry Creek Petrified Tree Environmental Education Area is located nine miles east of Buffalo, Wyoming and contains 40 acres.

The Bureau of Land Management recognizes the differences between off-road vehicles and over-snow vehicles in terms of use and impact. Therefore, travel by over-snow vehicles will be permitted off existing routes and in all open or limited areas (unless otherwise specifically limited or closed to oversnow vehicles) if they are operated in a responsible manner without damaging the vegetation or harming wildlife.

Any person(s) having special access needs may apply to the authorized officer for a permit to enter the area. Any constructed access will require a right-of-way under 43 CFR Part 2800.

An environmental assessment describing the impact of these designations was completed and a finding of no significant environmental impact was determined. This document is available for inspection at the offices listed above.

Les Olver,

Acting District Manager.

[FR Doc. 82–15629 Filed 6–8–82; 8:45 am]

BILLING CODE 4310–84–M

[C–16210, C–18254]

Colorado; Cancellation of Forest Service Withdrawal Applications and Opening of Lands

Correction

In FR Doc. 82–14459 appearing at page 23214 in the issue for Thursday, May 27, 1982, make the following corrections:

On page 23215, first column, under the land description headed "Sixth Principal Meridian Arapaho National Forest", the fifth line, the first "SE¼" should be changed to read "SW¼". In the sixth line the second "SW¼" should be changed to read "SE¼".

BILLING CODE 1505–01–M

[I–014751 et al]

Idaho; Classification Revoked

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby revoke the classifications initiated for exchange under the authority of Section 8 of the Taylor Grazing Act of June 28, 1934, Public Sales under Revised Statute 2455, Homesteads under Revised Statute 2289, Public Sales under Unintentional Trespass Act of September 26, 1968, and Recreation and Public Purpose Act of June 14, 1926, for the following described lands:

Boise Meridian, Idaho

Public Sale Classification (RS 2455)

(I–014751)

T. 6 S., R. 12 E.,
Sec. 19, SW¼NE¼.

(I–017182)

T. 5 S., R. 1 E.,
Sec. 9, SW¼SE¼.

(I–1277)

T. 6 S., R. 11 E.,
Sec. 24, NW¼SW¼.

(I–3745)

T. 11 N., R. 7 W.,
Sec. 20, NE¼NE¼;
Sec. 21, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 27, NW¼NW¼.

(I–4071)

T. 6 S., R. 13 E.,
Sec. 33, W½SE¼.
T. 7 S., R. 13 E.,
Sec. 3, lots 3, 4, W½SW¼;
Sec. 10, W½NW¼.

(I–4398)

T. 7 S., R. 12 E.,
Sec. 23, SE¼NW¼, E½SW¼;
Sec. 26, E½W½;
Sec. 35, NW¼NE¼, SE¼SE¼.

(I–4911)

T. 6 S., R. 12 E.,
Sec. 29, SE¼SW¼.

(I–5778)

T. 6 S., R. 12 E.,
Sec. 25, SE¼SE¼.
T. 6 S., R. 13 E.,
Sec. 31, lots 2, 3, 4, SE¼SW¼.

(I–5880)

T. 6 S., R. 13 E.,
Sec. 32, NW¼NE¼.

(I–5959)

T. 7 S., R. 12 E.,
Sec. 24, NW¼SW¼.

(I–6138)

T. 7 S., R. 12 E.,
Sec. 26, NE¼SE¼.

(I–6414)

T. 7 S., R. 12 E.,
Sec. 25, SW¼NW¼.

(I–6902)

T. 7 S., R. 12 E.,
Sec. 14, N½SE¼, SE¼SE¼;
Sec. 23, E½NE¼;
Sec. 24, W½NW¼.

(I–8713)

T. 5 S., R. 7 E.,
Sec. 32, N½SW¼SW¼, SW¼SW¼SW¼, W½SE¼SW¼SW¼.

(I–8738)

T. 8 S., R. 12 E.,
Sec. 1, lots 1, 2, SE¼NE¼, NE¼SE¼.

(I–9300)

T. 6 N., R. 5 W.,
Sec. 28, S½NE¼.

(I–014696)

T. 1 N., R. 3 W.,
Sec. 29, SW¼NE¼, N½NW¼, SE¼NW¼.

(I–015367)

T. 7 N., R. 1 E.,
Sec. 28, SW¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼, SE¼NW¼, N½SW¼.

(I–015394)

T. 6 N., R. 2 E.,
Sec. 1, S½;
Sec. 2, N½SE¼;
Sec. 12, N½NE¼.
T. 6 N., R. 3 E.,
Sec. 6, lot 7;
Sec. 7, lot 1.

(I–015484)

T. 7 N., R. 1 E.,
Sec. 28, SW¼;
Sec. 29, ¼SE¼NE¼, N½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼, SE¼NW¼, N½SW¼.

(I–015588)

T. 2 N., R. 3 E.,
Sec. 11, NW¼SW¼, SE¼SW¼;
Sec. 14, S½NW¼, NE¼SW¼.

(I–016198)

T. 7 N., R. 1 W.,
Sec. 15, SW¼SW¼;
Sec. 21, SE¼NE¼, E½SE¼;
Sec. 22, W½W½.

(I–017402)

T. 6 S., R. 9 E.,
Sec. 2, NE¼SW¼.

(I–017403)

T. 5 S., R. 9 E.,
Sec. 34, SW¼SE¼.
T. 6 S., R. 9 E.,
Sec. 2, SW¼NW¼.

(I–1993)

T. 2 N., R. 4 W.)
Sec. 35, lot 1.

(I–2133)

T. 4 S., R. 8 E.,
Sec. 15, W½;
Sec. 22, W½, W½SE¼;
Sec. 27, W½;
Sec. 34, NW¼.

(I–2403)

T. 6 N., R. 3 W.,
Sec. 14, lot 5.

(I–2422)

T. 5 N., R. 1 E.,
Sec. 21, S½SE¼;
Sec. 22, S½S½;
Sec. 27, SW¼SW¼;
Sec. 28, SE¼NW¼;
Sec. 33, NW¼NE¼.

(I–2573)

T. 9 S., R. 13 E.,
Sec. 2, SE¼SW¼, SW¼SE¼;
Sec. 11, NE¼NW¼.

(I–2847)

T. 5 N., R. 1 W.,
Sec. 31, N½SE¼.

(I–3210)

T. 5 S., R. 6 E.,
Sec. 31, lot 10.

(I–5825)

T. 1 N., R. 4 W.,
Sec. 11, NE¼NE¼.

Public Sales Classification Unintentional Trespass

(I–3186)

T. 12 N., R. 7 W.,
Sec. 6, lot 1.

(I–4067)

T. 7 N., R. 2 W.,
Sec. 2, S½SE¼ of lot 4.
T. 8 N., R. 2 W.,
Sec. 25, E½NE¼NE¼NE¼, W½SE¼NE¼NE¼, W½NE¼SE¼NE¼NE¼, SW¼NE¼SE¼SW¼, N½SE¼NE¼SE¼SW¼, NE¼SW¼SW¼SE¼SW¼, W½SE¼SW¼SE¼SW¼;
Sec. 35, SW¼SE¼NE¼NE¼, N½SE¼SE¼NE¼NE¼, NW¼SE¼SW¼NE¼, NW¼NE¼SE¼SW¼, W½SW¼NE¼SE¼SW¼, NE¼SW¼SE¼SW¼, W½NE¼NW¼NW¼SE¼, W½NW¼NW¼NW¼SE¼, W½NW¼SW¼NW¼SE¼.

(I–4489)

T. 4 S., R. 1 W.,
Sec. 34, SW¼NE¼SW¼, N½SE¼NE¼SW¼, SW¼SE¼NE¼SW¼, N½SE¼SE¼NE¼SW¼.

(I–4556)

T. 6 N., R. 5 W.,
Sec. 24, E½NW¼SW¼.

(I–4590)

T. 2 N., R. 10 E.,
Sec. 18, lot 8.

(I–4618)

T. 3 S., R. 4 W.,
Sec. 12, W½NW¼SE¼.

Exchange Classification

(I–015050)

T. 6 N., R. 4 W.,
Sec. 25, S½NW¼NW¼.

(I–2102)

T. 7 S., R. 2 W.,
Sec. 31, S½NE¼, N½SE¼;
Sec. 32, SW¼NE¼, SE¼NW¼, N½SE¼, SE¼SE¼.

(I–3428)

T. 4 N., R. 2 E.,
Sec. 1, lots 3, 4, SW¼NW¼, W½SE¼NW¼;
Sec. 2, lot 2, S½NE¼, SE¼SW¼, W½SE¼;
Sec. 14, NW¼.
T. 5., R. 2 E.,
Sec. 34, SE¼SE¼.

(I–10291)

T. 1 S., R. 2 W.,
Sec. 4, lot 4, SW¼NW¼.

Homestead Classification

(I–016271)

T. 4 S., R. 1 E.,
Sec. 22, SW¼.

Recreation and Public Purpose Classification

(I–2620)

T. 3 N., R. 3 W.,
Sec. 15, lots 2, 3.

(I–3146)

T. 2 N., R. 2 E.,
Sec. 13, SE¼.
T. 2 N., R. 3 E.,
Sec. 18, lots 3, 4, SE¼SW¼, SW¼SE¼.

(I–3215)

T. 4 N., R. 2 E.,
Sec. 7, NE¼NW¼.

(I–3732)

T. 2 N., R. 4 W.,
Sec. 21, SE¼NE¼, NE¼SE¼.

(I-8974)

T. 7 N., R. 2 E.,
Sec. 11, lot 4;
Sec. 14, lot 1.

The areas described contain 8,737.24 acres.

2. The above described classifications have been reviewed and found to serve no useful purpose. The laws relating to these classifications have been repealed by Pub. L. 94-579 of October 21, 1976.

Dated: June 2, 1982.

Clair M. Whitlock,

State Director.

[FR Doc. 82-15628 Filed 6-8-82; 8:45 am]

BILLING CODE 4310-84-M

[UT-910]

Utah; Grazing Management Program for Ashley Creek Planning Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft environmental impact statement and public hearing.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and a 1975 Federal Court Order, the Bureau of Land Management (BLM) has prepared a draft grazing environmental impact statement (EIS) for the Ashley Creek rangeland management program in Duchesne, Uintah, and a small portion of Carbon Counties.

The draft EIS examines five alternative management programs: (1) Proposed Action—Multiple Use Recommendation, (2) Livestock Forage Recommendation—(3) No Action—Active Preference—(4) No Change—Average Use—and (5) Wildlife Habitat Recommendation. The objective of the alternatives is to provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 527,974 acres of public land.

The alternatives examine proposed levels of grazing use ranging from 20,684 to 39,306 animal unit months (AUM's) for livestock and from 10,454 AUM's short-term use to 20,767 AUM's long-term use for big game. Varying levels of vegetation modification and management would accompany the proposed levels of forage allocation.

Copies of the draft EIS are available from the Vernal District BLM Office at 170 South 500 East, Vernal, Utah 84078, or the Richfield District BLM Office, 150 East 900 North, Richfield, Utah 84701. Public reading copies of the draft EIS will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets N.W., Washington, D.C. 20240

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111

Written comments on the draft EIS should be submitted to the Vernal District Manager by August 11, 1982.

Notice is hereby given that oral and/or written comments will be received at a public hearing held at the following location:

July 15

7:00 p.m.—Uintah County Courthouse, Vernal, Utah

Requests to testify at the public hearings should be submitted to the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078, (801) 789-1362. Others attending the hearing will also be provided an opportunity to testify.

Written and oral comments concerning adequacy of the draft EIS will receive consideration in preparation of the final Grazing Management EIS for the Ashley Creek Planning Area.

Dated: June 1, 1982.

Roland G. Robison,

State Director.

[FR Doc. 82-15626 Filed 6-8-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 28, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 24, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ALASKA

Anchorage Division

Eklunta, *The Mike Alex Cabin (AHRS Site No. ANC-111)*, Off AK 1

Cordova-McCarthy Division

Cordova, *Red Dragon Historic District (AHRS #COR-170)*, Lake Ave.

Ketchikan Division

Ketchikan, *Walker-Broderick, House, (AHRS Site No. KET-138)*, 541 Pine St.

CALIFORNIA

Alameda County,

Alameda, *Alameda Free Library*, 2264 Santa Clara Ave.

Berkeley, *Berkeley Public Library*, 2090 Kittredge St.

Humboldt County,

Eureka, *Humboldt Bay Wollen Mill (Eureka Wollen Mills)*, 1400 Broadway

Los Angeles County

Los Angeles, *Garfield Building*, 403 W. 8th St.

Sacramento County

Sacramento, *Kuchler Row*, 608—614 10th St.

Santa Clara

Santa Clara, *Santa Clara Verein*, 1082 Alviso St.

Ventura County

Ventura, *Franz, Emmanuel, House*, 31 N. Oak St.

CONNECTICUT

Fairfield County

Bridgeport, *Bishop, William D., Cottage Development Historic District*, Cottage Pl., and Atlantic, Broad, Main and Whiting Sts.

Bridgeport, *Seaside Park*, Long Island Sound

Stamford, *Marion Castle, Terre Bonne*, 1 Rogers Rd.

Hartford County

Hartford, *Northam Memorial Chapel and Gallup Memorial Gateway*, 453 Fairfield Ave.

Newington, *Kelsey, Enoch, House*, 1702 Main St.

Litchfield County

Canaan, *Holabird House*, Kellog Rd., corner of Rte. 126

Litchfield County

New Milford, *Schoverling, Carl F., Tobacco Warehouse*, 1 Wellsville Ave.

Middlesex County

Middletown, *Highland Historic District*, Atkins St. and Country Club Rd.

New Haven County

Madison, *Madison Green Historic District*, 446—589 Boston Post Rd. and structures surrounding the green

New London County

Groton, *Branford House*, Shennecosset and Eastern Point Rds.

Tolland County

Hebron, *Post, Augustus, House*, 4 Main St.

Windham County

Williamantic, *Main Street Historic District*, 21—65 Church St.; 667—1009 Main St.; 24—28 N. St.; and 20—22 Walnut St.

DELAWARE

Sussex County

Milton, *Milton Historic District*, DE 5

GEORGIA

Bibb County

Macon, *Cherokee Heights District*, Pio Nono, Napier, Inverness, and Suwanee Aves.

Brantley County

Waynesville vicinity, *Mumford, Sylvester, House*, Off U.S. 84

DeKalb County

Atlanta, *Smith-Benning, House*, 520 Oakdale Rd., NE

Evans County

Hagan, *DeLoach, George W., House*, S. Railroad Ave., and Strickland St.

Meriwether County

Hogansville vicinity, *Phillips, William D., Log Cabin*, GA 54
Warms Spring vicinity, *Oakland*, GA 41

Stewart County

Lumpkin, *Armstrong House (Lumpkin, Georgia MRA)*, Broad St.
Lumpkin, *Bush-Usher House (Lumpkin, Georgia MRA)*, E. Main St.
Lumpkin, *Dr. Miller's Office (Lumpkin Georgia MRA)*, E. Main St.
Lumpkin, *East Main Street Residential Historic District (Lumpkin, Georgia MRA)*, E. Main St.
Lumpkin, *Grier, Dr. R. L., House (Lumpkin, Georgia MRA)*, Broad St.
Lumpkin, *Harrell, George Y., House (Lumpkin, Georgia MRA)*, Broad St.
Lumpkin, *Irwin, Jared, House (Lumpkin, Georgia MRA)*, E. Main St.
Lumpkin, *Lumpkin Commercial Historic District (Lumpkin, Georgia MRA)*, Main, Broad, Cotton, and Mulberry Sts.
Lumpkin, *Mathis House (Lumpkin, Georgia MRA)*, E. Main St.
Lumpkin, *Pigtail Alley Historic District (Lumpkin, Georgia MRA), Old Chestnut Rd.*
Lumpkin, *Rockwell, Stoddard House (Lumpkin, Georgia MRA)*, Rockwell St.
Lumpkin, *Second Methodist Church (Lumpkin, Georgia MRA)*, Mulberry St.
Lumpkin, *Tucker, John A., (Lumpkin, Georgia MRA)*, Florence St.
Lumpkin, *Uptown Residential Historic District (Lumpkin, Georgia MRA)*, Broad and Main Sts.
Lumpkin, *Usher House (Lumpkin, Georgia MRA)*, Florence St.

Troup County

Mountville vicinity, *Mays-Boddie, House*, GA 109

IDAHO

Canyon County

Caldwell, *Caldwell Historic District*, Roughly bounded by Railroad and Arthur Sts., 7th and 9th Aves.

ILLINOIS

Sangamon County

Springfield, *Bressmer-Baker, House*, 913 6th St.

INDIANA

Decatur County

Westport vicinity, *Westport Covered Bridge*, E. of Westport

Marion County

Indianapolis, *Marott Hotel*, 2625 N. Meridian St.

KANSAS

Comanche County

Archeological Site Number 14CM305 (Big Gyp Cave) (Kansas Rock Art TR)

Ellsworth County

Archeological Site Number 14EW14 (Elm Creek) (Kansas Rock Art TR)
Archeological Site Number 14EW303 (Haystack Mound) (Kansas Rock Art TR)
Archeological Site Number 14EW33 (Cave Hollow) (Kansas Rock Art TR)
Archeological Site Number 14EW401 (Katzenmeier) (Kansas Rock Art TR)
Archeological Site Number 14EW403 (Owl's Nest) (Kansas Rock Art TR)
Archeological Site Number 14EW404 (Kansas Rock Art TR)
Archeological Site Number 14EW405 (Kansas Rock Art TR)
Archeological Site Number 14EW406 (Kansas Rock Art TR)
Archeological Site Number 14EW17 (Ward) (Kansas Rock Art TR)
Archeological Site Number 14EW1 (Kansas Rock Art TR)

Greenwood County

Archeological Site Number 14GR320 (Indian Spring) (Kansas Rock Art TR)

Kiowa County

Archeological Site Number 14KW302 (Roth) (Kansas Rock Art TR)
Archeological Site Number 14KW301 (Star) (Kansas Rock Art TR)

Lincoln County

Archeological Site Number 14LC306 (Hildebrandt) (Kansas Rock Art TR)

Montgomery County

Archeological Site Number 14MY1320 (Kansas Rock Art TR)
Archeological Site Number 14MY1385 (Lookout Station) (Kansas Rock Art TR)
Archeological Site Number 14MY365 (Kansas Rock Art TR)
Archeological Site Number 14MY1 (Treaty Rocks) (Kansas Rock Art TR)

Ottawa County

Archeological Site Number 140T4 (Kansas Rock Art TR)

Rice County

Archeological Site Number 14RC10 (Peverley) (Kansas Rock Art TR)
Archeological Site Number 14RC11 (Kansas Rock Art TR)

Russell County

Archeological Site Number 14RU10 (Circle Rock) (Kansas Rock Art TR)
Archeological Site Number 14RU313 (Russell) (Kansas Rock Art TR)
Archeological Site Number 14RU314 (Haberer) (Kansas Rock Art TR)
Archeological Site Number 14RU315 (Hampl) (Kansas Rock Art TR)
Archeological Site Number 14RU316 (Purma) (Kansas Rock Art TR)
Archeological Site Number 14RU324 (S & S Ranch) (Kansas Rock Art TR)
Archeological Site Number 14RU5 (Paradise Creek) (Kansas Rock Art TR)

KENTUCKY

Fayette County

Lexington, *Kinkead House*, 362 Walnut St.
Lexington, *Watkins, Thomas B., House*, 1008 S. Broadway

LOUISIANA

Claiborne Parish

Summerfield vicinity, *Wasson, Alberry, Homeplace*, 1½ mi. S. of Summerfield

Franklin Parish

Winnsboro, *Winnsboro Commercial Historic District*, Prairie St.

Lafayette Parish

Lafayette, *Gordon Hotel*, 108–110 E. Vermilion St.

Lincoln Parish

Ruston, *Townsend House*, 410 N. Bonner St.

Orleans Parish

New Orleans, *Lowe-Forman House*, 5301 Camp St.

Rapides Parish

Lecompte vicinity, *St. John Baptist Church*, off LA 456

Tangipahoa Parish

Amite, *Blythewood*, 205 Elm St.

MARYLAND

Kent County

Still Pond, *Harper, George, Store*, MD 292 and Main St.

MICHIGAN

Saginaw County

Saginaw, *Bearinger Building*, 124 N. Franklin
Saginaw, *Brockway, Abel, House*, 1631 Brockway
Saginaw, *Carriage, Davis, House*, 519 N. Fayette
Saginaw, *Central Warehouse*, 1800 N. Michigan
Saginaw, *Cushway, Benjamin, House*, 1404 S. Fayette
Saginaw, *East Genesee Historic Business District (Center Saginaw MRA)*, Bounded by Federal,
Weadock, 2nd and Jones Sts.
Saginaw, *East Saginaw Historic Business District (Center Saginaw MRA)*, Roughly bounded by Federal, N. Water, N. Washington and N. Franklin Sts.

Saginaw, *Grove, The (Center Saginaw MRA)*, S. Washington
Saginaw, *House*, 1514 N. Michigan
Saginaw, *Michigan Bell Building*, 309 S. Washington
Saginaw, *North Jefferson Avenue Historic District (Center Saginaw MRA)*, Carroll and Jefferson Aves.
Saginaw, *North Michigan Avenue Historic District (Center Saginaw MRA)*, Roughly bounded by Monroe, Fayette, N. Hamilton and W. Remington Sts.
Saginaw, *Peters, Charles, Sr., House*, 130 N. 6th
Saginaw, *Sacket, Russell, House*, 6104 Ct.
Saginaw, *Saginaw District City Expansion (Center Saginaw MRA)*, Off MI 13
Saginaw, *Saginaw Central City Historic Business District (Center Saginaw MRA)*, Roughly bounded by Saginaw River, S. Michigan, Cleveland and Van Buren Aves.
Saginaw, *South Jefferson Avenue Historic District (Center Saginaw MRA)*, Off MI 13
Saginaw, *South Michigan Avenue Historic District (Center Saginaw MRA)*, Roughly bounded by Fayette, Lyon, Lee and S. Hamiltin Sts.
Saginaw, *St. John's Episcopal Church*, 509 Hancock
Saginaw, *Wenzel House*, 1203 S. Fayette
Saginaw, *West Side Historic Residential District (Center Saginaw MRA)*, Roughly bounded by Mason, Madison, Harrison and Lyon Sts.
Saginaw, *Wright, Ammi and William, House*, 207 Garden Lane

MISSISSIPPI

Madison County

Canton, *Canton Courthouse Square Historic District*, Center, Liberty, Peace and Union Sts.

MISSOURI

Cooper County

Boonville vicinity, *Boonville Wine Company (Central Brewery) (Boonville, Missouri MRA)*, W of Boonville
Boonville vicinity, *Harley Park Wine Cellar (Boonville, Missouri MRA)*, Harley Park
Boonville, *Beckett House (Boonville, Missouri MRA)*, 821 3rd St.
Boonville, *Blakey House (Boonville, Missouri MRA)*, 226 W. Spring Carpenter House (Boonville, Missouri MRA), 901 Main St.
Boonville, *Cobblestone Street (Wharf Hill) (Bonnville, Missouri MRA), Main St.*
Boonville, *Cooper County Home (Boonville, Missouri MRA)*, 1121 11th St.
Boonville, *Creative Ceramics (Boonville, Missouri MRA)*, 1022 7th St.
Boonville, *Dauwalter House and Tanyard (Boonville, Missouri MRA)*, 817 7th St.
Boonville, *Diggs Family House (Boonville, Missouri MRA)*, 1217 Rual St.
Boonville, *Doehne House (Boonville, Missouri MRA)*, 500 W. Spring
Boonville, *Esser House (Boonville, Missouri MRA)*, 615 Main St.
Boonville, *Farris House (Boonville, Missouri MRA)*, 502 10th St.
Boonville, *First Baptist Church of Jesus Christ in Boonville (Boonville, Missouri MRA)*, 625 Main
Boonville, *Forest Hill (Boller House) (Steinmetz House) (Boonville, Missouri MRA)*, 700 10th St.
Boonville, *Gantner-Roberts-Chrane-Kramer House (Boonville, Missouri MRA)*, 1308 6th St.
Boonville, *Gibson House (Boonville, Missouri MRA)*, *733* Main St.
Boonville, *Hamilton-Brown Shoe Factory (Selwyn Shoe Corporation) (Boonville, Missouri MRA)*, 1st St.
Boonville, *Huber House (Boonville, Missouri MRA)*, 414 6th St.
Boonville, *Johnmeyer House (Boonville, Missouri MRA)*, 521 1st St.
Boonville, *Johnston, W. F., House (Boonville, Missouri MRA)*, 600 3rd
Boonville, *Katy Depot (Boonville, Missouri MRA)*, 320 1st St.
Boonville, *Kelley, O. F., House (Boonville, Missouri MRA)*, 923 Main St.
Boonville, *Lauer House (Boonville, Missouri MRA)*, 825 E. High
Boonville, *Mayginnes House (Boonville, Missouri MRA)*, 230 Pawnee St.
Boonville, *McClary House (Boonville, Missouri MRA)*, 1000 11th St.
Boonville, *Meierhoffer House (Boonville, Missouri MRA)*, 120 E. High
Boonville, *Meierhoffer Sand Company (Boonville, Missouri MRA)*, 201 2nd St.
Boonville, *Oswald Farm (Boonville, Missouri MRA)*, 515 W. Spring
Boonville, *Plantation House (Boonville, Missouri MRA)*, 1136 7th St.
Boonville, *Rorah House (Boonville, Missouri MRA)*, 749 Main
Boonville, *Rosalyn Heights (Boonville, Missouri MRA)*, 821 Main St.
Boonville, *Scrivner Residence (Boonville, Missouri MRA)*, 407 West St.
Boonville, *Shamrock Dairy Farm (Shamrock Heights) (Boonville, Missouri MRA)*, W. Walnut
Boonville, *Simmons House (Boonville, Missouri MRA)*, 119 W. Spring
Boonville, *Smith, Ben Sr., House (Boonville, Missouri MRA)*, 825 4th St.
Boonville, *St. Joseph Hospital (Boonville, Missouri MRA)*, E. Morgan
Boonville, *St. Matthew's A.M.E. Church (Boonville, Missouri MRA)*, 309 Spruce St.
Boonville, *Stammerjohn-Abele-Wagner House (Boonville, Missouri MRA)*, 122 W. Morgan
Boonville, *Stretz House (Boonville, Missouri MRA)*, 1215 E. Morgan
Boonville, *Summer Public School (Boonville, Missouri MRA)*, 321 Spruce
Boonville, *Swan House and Cellar (Pulliam House) (Boonville, Missouri MRA)*, 1027 3rd St.
Boonville, *Trigg House (Boonville, Missouri MRA)*, 1314 Main St.
Boonville, *Twin Houses (Boonville, Missouri MRA)*, 1307 6th St.
Boonville, *Twin Houses (Old Johnson House) (Judge Rutherford House) (Boonville, Missouri MRA)*, 1314 Main St.
Boonville, *Vests Home (Boonville, Missouri MRA)*, 745 Main
Boonville, *Vollrath Place (Boonville, Missouri MRA)*, 809 Locust

St. Louis (Independent City)

S. S. Cyril and Methodius Historic District, I-70

MONTANA

Valley County

Nashua, *Sargent, Charles C., House*, 615 Front St.

NEBRASKA

Burt County

Lyons vicinity, *Deutsche Ev. Luth. St. Johannes Kirche (BT00-9)*

Butler County

David City, *Taylor Chauncey S., House*, 715 4th St.

Douglas County

Omaha, *First National Bank Building*, 300-312 16th St., and 1601-1605 Farnam St.

Hall County

Grand Island, *Roeser, Oscar, House*, 721 W. Koenig St.

Jefferson County

Diller, *Colman House (JF02-4)*, 501 Lavelle St.

Kearney County

Axtell vicinity, *Salem Swedish Methodist Episcopal Church (KN00-2)*, SW of Axtell

Knox County

Verdigre vicinity, *Rad Sladkovsky (C.S.P.S. Cis. 68; Z.C.B.J. Cis 8) (KX09-1)*

Lancaster County

Lincoln, *Temple of Congregation B'nai Jeshurun (LC13:D6-4)*, 20th and S. Sts.

Platte County

Columbus, *Gottschalk, Frederick L. and L. Frederick, Houses*, 2022 17th St.
Columbus, *Segelke, C., Building*, 1065 17th Ave.

Seward County

Staplehurst vicinity, *Deutsche Evangelisch Lutherische Zion Kirche*, SW of Staplehurst

Washington County

Blair, *Castetter, Abraham, House*, 1815 Grant St.
Blair, *Crowell, C. C., Jr., House, 2138 Washington St.*

NEVADA

Washoe County

Reno, *Riverside Mill Company Flourmill*, 345 E. 2nd St.

NEW JERSEY

Bergen County

Edgewater, *Ferryboat Binghamton*, 725 River Rd.

NEW MEXICO

Socorro County

Lemitar, *Sagrada Familia de Lemitar Church, Los Dulces Nombres*, Off I-25

NEW YORK

New York County

New York, *Former New York Life Insurance Company Building*, 346 Broadway

Queens County

Queens, *Marine Air Terminal,* La Guardia Airport

OKLAHOMA

Canadian County

Yukon, *Mulvey Mercantile,* 425 W. Main

Hughes County

Holdenville, *Turner, John E., House,* 401 E. 10th

Kay County

Ponca City, *Masonic Building,* 222 E. Grand Ave.

Wagoner County

Wagoner, *Gibson, John W., House (Territorial Homes of Wagoner, Oklahoma TR),* 402 S. McQuarrie
Wagoner, *McAnally, William, House (Territoral Homes of Wagoner, Oklahoma TR),* 702 S.E. 7th St.
Wagoner, *McKinney, Collin, House (Territorial Homes of Wagoner, Oklahoma TR),* 1106 S.E. 7th St.
Wagoner, *Parkinson, Amos, House (Territorial Homes of Wagoner, Oklahoma TR),* 601 N. Parkinson
Wagoner, *Parkinson, Frederick, House (Territorial Homes of Wagoner, Oklahoma TR),* 407 N.E. 3rd St.
Wagoner, *Way House (Territorial Homes of Wagoner, Oklahoma TR),* 411 N.E. 2nd St.

SOUTH CAROLINA

Anderson County

Anderson vicinity, *McFall House,* SR 247

Charleston County

Charleston vicinity, Morris Island Lighthouse, 6 mi. SE of Charleston
Charleston, *Aiken, William, House and Associated Railroad Structures,* 456 King St.

Florence County

Johnsonville vicinity, *Browntown,* SC 341

Greenville County

Greenville, *American Cigar Factory (Greenville MRA),* E. Ct. St.
Greenville, *Chamber of Commerce Building (Greenville MRA),* 130 S. Main St.
Greenville, *Davenport Apartments (Greenville MRA), 400–402 E. Washington St.*
Greenville, *Earle, Col. Elias, Historic District (Greenville MRA),* Earle, James, N. Main, and Rutherford Sts.
Greenville, *Greenville Gas and Electric Light Company (Greenville MRA),* 211 E. Broad St.
Greenville, Hampton-Pinckney Historic Distric Extension (Greenville MRA), Hampton, Lloyd, Hudson Sts., Butler and Asbury Aves.
Greenville, *Isaqueena (Greenville MRA),* 106 DuPont Dr.
Greenville, *Lanneau-Norwood House (Greenville MRA),* 417 Belmont Ave.
Greenville, *Mills Mill (Greenville MRA),* Mills and Guess Sts.
Greenville, *Pettigru Street Historic District (Greenville MRA),* Pettigru, Whitsett, Williams, Manly, E. Washington, Broadus, Toy, and Boyce Sts.
Greenville, *Poinsett Hotel (Greenville MRA),* 120 S. Main St.
Greenville, *Williams-Earle, House, (Greenville MRA),* 319 Grove Rd.
Greenville, *Working Benevolent Temple and Professional Building (Greenville MRA),* Broad and Fall Sts.

Lancaster County

Kershaw vicinity, *Cauthen, Dr. William Columbus, House,* SR 75

Lexington County

Batesburg, *Batesburg Commercial Historic District (Batesburg-Leesville MRA),* Granite, Oak, Pine, Church Sts., Rutland and N. Railroad Aves.
Batesburg, *Bouknight, Simon, House (Batesburg-Leesville MRA),* Saluda Ave.
Batesburg, *Edwards, Broadus, House (Batesburg-Leesville MRA),* 12 Peachtree St.
Batesburg, *Historic Cartledge House (Batesburg-Leesville MRA),* 305 Saluda Ave.
Batesburg, *Jones, A. C., House (Batesburg-Leesville MRA),* 104 Fair Ave.
Batesburg, *McKendree, Mitchell, House (Batesburg-Leesville MRA),* 310 Saluda Ave.
Batesburg, *Rawl, John Jacob, House (Batesburg-Leesville MRA),* Line St.
Batesburg, *Rawl-Couch House (Batesburg-Leesville MRA),* 22 Short St.
Batesburg, *Southern Railway Depot (Batesburg-Leesville MRA),* S. E. corner of Perry and Wilson Sts.
Leesville, *Church Street Historic District (Batesburg-Leesville MRA),* Church St.
Leesville, *Hampton Hendrix Office (Batesburg-Leesville MRA),* Leesville Ave.
Leesville, *Hendrix, Henry Franklin, House (Batesburg-Leesville MRA),* Hendrix Heights Plantation
Leesville, *Herbert, Rev. Walter I., House (Batesburg-Leesville MRA),* 506 Trotter St.
Leesville, *Holman, J. B., House (Batesburg-Leesville MRA),* N. Peachtree St.
Leesville, *Leesville College Historic District (Batesburg-Leesville MRA),* Railroad Ave., College, Peachtree, King, and Lee Sts.
Leesville, *Mitchell, Crowell, House (Batesburg-Leesville MRA),* Church St.
Leesville, *Mitchell-Shealy House (Batesburg-Leesville MRA),* 419 W. Church St.
Leesville, *Old Batesburg-Leesville High School (Batesburg-Leesville MRA),* Summerland Ave.
Leesville, *Yarborough, Rev. Frank, House (Batesburg-Leesville MRA),* 810 Bernard St.

Marlboro County

Bennettsville vicinity, *Appin,* U.S. 15

Richland County

Columbia *Columbia Historic District II,* (boundary increase) Blanding, Laurel, Richland, Calhoun, Marion, Bull, Pickens, Henderson, and Barnwell Sts.
Columbia, *Taylor House (Columbia MRA),* 1505 Senate St.

Williamsburg County

Kingstree, *Kingstree Historic District (Kingstree MRA),* Main, Hampton and Academy Sts.
Kingstree, *Scott House (Kingstree MRA),* 506 Live Oak St.
Indiantown vicinity, *Wilson, John Calvin, House,* Off SC 512

York County

McConnells vicinity, *Hightower Hall,* York County Rd 165

SOUTH DAKOTA

Beadle County

Carpenter vicinity, *Milford Hutterite Colony (Historic Hutterite Colonies TR)*
Huron vicinity, *Old Riverside Hutterite Colony (Historic Hutterite Colonies TR)*

Bon Homme County

Tabor vicinity, *Bon Homme Hutterite Colony (Historic Hutterite Colonies TR)*

Hanson County

Alexandria vicinity, *Old Rockport Hutterite Colony (Historic Hutterite Colonies TR)*

Hutchison County

Ethan vicinity, *New Elmspring Colony (Historic Hutterite Colonies TR)*
Milltown vicinity, *Milltown Hutterite Colony (Historic Hutterite Colonies TR)*
Parkston vicinity, *Old Elmspring Hutterite Colony (Historic Hutterite Colonies TR)*
Scotland vicinity, *Old Maxwell Hutterite Colony (Historic Hutterite Colonies TR)*

Spink County

Frankfort vicinity, *Old Spink Colony (Historic Hutterite Colonies TR)*

Yankton County

Utica vicinity, *Old Jamesville Hutterite Colony (Historic Hutterite Colonies TR)*

TENNESSEE

Meigs County

Big Spring, *Cowan, James, House (Meigs County, Tennessee MRA),* Old Bunker Hill Rd.
Decatur, *Big Sewee Creek Bridge (Meigs County, Tennessee MRA),* TN 58 and Center Point Rd.
Decatur, *Buchanan House (Meigs County, Tennessee MRA),* Vernon St.
Decatur, *Decatur Methodist Church (Meigs County, Tennessee MRA),* Vernon St.
Decatur, *Eaves, S. S., House (Meigs County, Tennessee MRA),* Eaves Ferry Rd.
Decatur, *Godsey, Jim, House (Meigs County, Tennessee MRA),* TN 30
Decatur, *Grubb, Jacob L., Store (Meigs County, Tennessee MRA),* TN 58
Decatur, *Kings Mill Bridge (Meigs County, Tennessee MRA),* Big Sewee Rd.
Decatur, *Locke House (Meigs County, Tennessee MRA),* Concord Rd.
Decatur, *Meigs County Bank (Meigs County, Tennessee MRA),* Court Sq.
Decatur, *Meigs County Courthouse (Meigs County, Tennessee MRA),* Court Sq.
Decatur, *Meigs County High School Gymnasium (Meigs County, Tennessee MRA),* Brown St.

Decatur, *Mount Zion Church (Meigs County, Tennessee MRA)*, Mt. Zion Hollow
Decatur, *Rice-Marler House (Meigs County, Tennessee MRA)*, Goodfield Valley Rd.
Decatur, *Smith, Robert H., Law Office (Meigs County, Tennessee MRA)*, TN 58
Decatur, *Stewart, John, House (Meigs County, Tennessee MRA)*, TN 58
Georgetown, *Hooper, Scott, Garage (Meigs County, Tennessee MRA)*, SR 1
Georgetown, *McKenzie Windmill (Meigs County, Tennessee MRA)*, TN 58
Georgetown, *Rymer, Bradford, Barn (Meigs County, Tennessee MRA)*, SR 1
Georgetown, *Shiftlett, G. W. Barn (Meigs County, Tennessee MRA)*, SR 1
Georgetown, *Shiflett, H.C., Barn (Meigs County, Tennessee MRA)*, SR 1
Georgetown, *Wood, Andy, Log House and Wood, Willie, Blacksmith Shop*, SR 1
Ten Mile vicinity, *Oak Grove Methodist Church (Meigs County, Tennessee MRA)*, Pinhook Ferroy Rd.
Ten Mile, *Black, John M., Cabin (Meigs County, Tennessee MRA)*, Big Sewee Creek Rd.
Ten Mile, *Culvahouse House (Meigs County, Tennessee MRA)*, River Rd.
Ten Mile, *Ewing House (Meigs County, Tennessee MRA)*, River Rd.
Ten Mile, *Feezell Barn (Meigs County, Tennessee MRA)*, TN 58
Ten Mile, *Gettys, James R., House (Meigs County, Tennessee MRA)*, N. No Pone Valley Rd.
Ten Mile, *Gettys, James R., Mill (Meigs County, Tennessee MRA)*, N. No Pone Valley Rd.
Ten Mile, *Griffith, James Turk, House (Meigs County, Tennessee MRA)*, TN 58
Ten Mile, *Holloway, Dr. D. W., House (Meigs County, Tennessee MRA)*, River Rd.
Ten Mile, *Hutsell Truss Bridge (Meigs County, Tennessee MRA)*, Old Ten Mile Rd.
Ten Mile, *Hutsell, Sam, House (Meigs County, Tennessee MRA)*, Old Ten Mile Rd.
Ten Mile, *Johnson, R. H., Stable (Meigs County, Tennessee MRA)*, TN 58
Ten Mile, *MacPherson House (Meigs County, Tennessee MRA)*, off Hurricane Valley Rd.
Ten Mile, *Patterson, Alexander, House (Meigs County, Tennessee MRA)*, Wood Lane
Ten Mile, *Sharp, Elisha, House (Meigs County, Tennessee MRA)*, Old Ten Mile Rd.
Ten Mile, *Surprise Truss Bridge (Meigs County, Tennessee MRA)*, Sewee Creek Rd.

UTAH

Utah County

Pleasant Grove vicinity, *Timpanogos Cave Historic District*, UT 80

VIRGINIA

Accomack County

Craddockville vicinity, *Bayly, Edmund, House*, VA 615

Northampton County

Eastville vicinity, *Westover*, VA 630

Tazewell County

Tazewell vicinity, *Thompson, George Oscar, House*, U.S. 604

WISCONSIN

Burnett County

Yellow Lake vicinity, *Ebert Mound Group (47Bt28)*

Chippewa County

Chippewa Falls, *Marsh Rainbow Arch Bridge*, Spring St.

Walworth County

Delavan, *Johnson, A. P., House*, 3455 S. Shore Dr.

Winnebago

Neenah, *Smith, Henry Spencer, House*, 706 E. Forest Ave.

WYOMING

Part County

Mammoth vicinity, *Obsidian Cliff Kiosk (Yellowstone national part MRA)*

Teton County

Madison Junction, *Madison Museum (Yellowstone National Part MRA)*, Yellowstone National Park.

[FR Doc. 82-15624 Filed 6-8-82; 8:45 am]
BILLING CODE 4310-70-M

Bureau of Reclamation

Front Range Unit, Longs Peak Division, Pick-Sloan Missouri Basin Program, Intent To Prepare An Environmental Statement: Withdrawal

On April 13, 1979, the Bureau of Reclamation published a "Notice of Intent" to prepare an Environmental Impact Statement for the Front Range Unit, Longs Peak Division, Pick-Sloan Missouri Basin Program. That notice was published on page 22202, Vol. 44, No. 73 of the **Federal Register** dated April 13, 1979.

The subject Notice of Intent is hereby withdrawn. This withdrawal is based upon the determination that the communities to be served find the project to be financially unacceptable and that local support is thereby lacking for project authorization.

Dated: June 3, 1982.

R. N. Broadbent,
Commissioner.

[FR Doc. 82-15583 Filed 6-8-82; 8:45 am]
BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29916]

CSX Corp.; Control Exemption—Carolina, Clinchfield, and Ohio Railway

AGENCY: Interstate Commerce Commission.

ACTION: Notice of correction to exemption.

SUMMARY: At 47 FR 23819, June 1, 1982, the Commission exempted from prior approval under 49 U.S.C. 11343, the proposed acquisition by CSX Corporation of control of the Carolina, Clinchfield and Ohio Railway. This notice corrects the date that exemption was effective.

DATES: The exemption will be effective on June 1, 1982. Petitions to reopen this action must be filed on or before June 21, 1982.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-15553 Filed 6-8-82; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: June 2, 1982.

Allied Van Lines, Inc. (No. MC-15735) and Eleveld Chicago Furniture, Inc. (No. MC-87966) have filed a petition for waiver of paragraph (d) of § 1057.12 of the *Lease and Interchange of Vehicle Regulations* (49 CFR Part 1057).

Findings

1. Petitioner Allied is a household goods carrier whereas Petitioner Eleveld is authorized to transport new furniture, store and bar furniture, fixtures and equipment.
2. Petitioners are commonly controlled and Petitioner Eleveld is an agent of Petitioner Allied.
3. Petitioners will jointly control equipment in transporting commodities both are authorized to transport.
4. Petitioners have acceptable fitness records.
5. Petitioners will advertise commodity authorization of both, so as to advise public as to who bears responsibility of a given service.
6. Greater efficiency and economy would result if waiver is granted.

It is ordered: The petition filed by Allied Van Lines, Inc., and Eleveld Chicago Furniture, Inc., for waiver of

paragraph (d) of § 1057.12 is granted, provided Petitioners exercise joint responsibility for the possession, control, and use of motor vehicle equipment owned by Eleveld and leased to Allied in the transportation of combined shipments of household goods and new furniture, store and bar furniture, fixtures and equipment, and provided Eleveld is responsible to assure equipment safety is maintained, or use of motor vehicle equipment owned by Allied and leased to Eleveld in the transportation of combined shipments of household goods and new furniture, store and bar furniture, fixtures and equipment, and provided Allies is responsible to assure equipment safety is maintained.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15555 Filed 6-8-82; 8:45 am]

BILLING CODE 7035-01-M

[No. AB-2 (Sub-38)]

Louisville & Nashville Railroad Co.; Abandonment in Fannin County, GA and Cherokee County, NC; Findings

May 28, 1982.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 28, 1982, a finding, which is administratively final, was made by the Administrative Law Judge stating that the present or future public convenience and necessity do not require or permit the abandonment by the Louisville and Nashville Railroad Company of its line of railroad extending from railroad milepost KG-393.5 at Murphy Junction, GA to milepost KG-416.8 at Murphy, NC, a distance of 23.3 miles, traversing Fannin County in Georgia and Cherokee County in North Carolina. Pursuant to the Judge's decision, accordingly, the application for abandonment stands denied, effective 30 days from the date of service of said decision, which is June 9, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15554 Filed 6-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of efffectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 4, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14803, filed May 10, 1982. MERIDIAN EXPRESS COMPANY, INC. [MEC], (4835 LBJ Freeway, Dallas, TX 75234)—CONTROL—McLEAN TRUCKING COMPANY, [MTC] and PRIDE CARGO CARRIERS, INC. [PCC], (both of 1920 West First Street, Winston-Salem, NC, 27154), and SALEM CONTRACT CARRIER, INC [SCC], (P.O. Box 26945, Charlotte, NC 28213). Representatives: Jack R. Turney, Jr., 2001 Massachusetts Avenue, N.W., Washington, DC 20036; and Francis W. McInerny, 1000 16th Street, N.W., Washington, DC 20036. MEC, a non-carrier, except for special reports under 49 U.S.C. 11145, seeks authority to acquire control of the carrier operating rights and properties of MTC, and thereby also of MTC's carrier subsidiaries, SCC and PCC.

In the proposed plan of acquisition, Meridian Acquisition Subsidary [MAS] (of 4835 LBJ Freeway, Dallas, TX 75234), a non-carrier subsidiary of MEC formed for the transaction, would be merged into MTC, and all oustanding shares of the capital stock of MTC would be converted into the right to receive $18 per share in cash, to be paid by MEC. To replace said converted shares, 10 shares of substitute $100 par common stock would be issued by MTC, the surviving corporation, to MEC.

The operating rights of MTC to be controlled are contained in Certificates Nos. MC-31389. These authorities authorize the transportation of general commodities, with the usual exceptions, in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, WI, and WY. The operating rights of SCC to be controlled

are contained in Contract Carrier Permits Nos. MC-147888, authorizing the transportation of such commodities as are dealt in or used by chain department and food stores between points in the U.S. (except HI and AK), under continuing contracts with K-Mart Corporation. The operating rights of PCC, under Certificate No. 151873, authorize the transportation of general commodities between points in the United States.

MEC does not hold authority from this Commission. However, through non-carrier subsidiaries, MEC controls (a) Merchants Fast Motor Lines, Inc. (of East Highway 80, Abilene, TX 79604), holder of Certificates Nos. MC 2228, authorizing the transportation of general commodities, with the usual exceptions, in TX, NM, CO and AZ; (b) Oil Transport Company (of the same address), holder of Certificates Nos. MC-111740, authorizing the transportation of petroleum, various petroleum compound products, and sulphur, in bulk, in tank vehicles, in TX, OK, AR, CO, KS, MO, NM, AZ; (c) Gypsum Transport, Inc. (of the same address), holder of Certificates Nos. MC-126421, authorizing the transportation of gypsum, gypsum products, and materials and supplies and related building products between U.S. Gypsum plantsites in 48 States; (d) Delta Lines, Inc., a common carrier of general commodities, under Certificates Nos. MC-56640, between points in CA, AZ, OR, NV, NM, CO, WY, WA, ID, MT; (e) Thunderbird Freight Lines, Inc., a common carrier of general commodities, under Certificates Nos. MC-69512, between points in CA and AZ; (f) Distribution concepts, Inc., a contract carrier of general commodities, under Permits Nos. MC-153418, between points in the U.S., under contracts with K-Mart Corporation, and of business forms between points in the U.S. under contracts with Moore Business Forms; (g) Wycoff Company, Incorporated (under temporary management control in No. MC-F-14746), a common carrier of general commodities, under Certificate Nos. MC-89684, in CA, OR, NV, ID, WY, CO and UT; and (h) Nevada-California Express, Inc. [FF-130], a freight forwarder of general commodities between points in CA, UT, OR, WA, ID and MT. To avoid conflict with 49 U.S.C. 11323, Nevada-California Express, Inc. is to be transferred to MTC immediately prior to consummation.

MAS joins in the application as the directly participating non-carrier applicant. MTC likewise joins in the application. Non-carrier private investment entities WEDGE Transportation, Inc. (of 4835 LBJ Freeway, Dallas, TX 75234); Minefa Group Incorporated (of the same address); Minefa Holdings B.V. (of Uilenstede 473, 1180 AE Amstelveen, The Netherlands); Issam Investments N.V. (of Willemstad, Curacao, Dutch Antilles); together with Issam M. Fares (a non-carrier individual, c/o WEDGE International Holdings B.V., 20 Place Vendome, 750001 Paris, France), seek authority to control MTC, SCC, and PCC through the acquisition of control by MEC.

Notes

(1) This notice does not purport to be a complete description of the operating rights of the carriers involved.

(2) A directly related application under 49 U.S.C. 11301 and 11302 has been filed in F.D.-*29932, McLean Trucking Company—Stock.* MTC seeks authority to issue to MEC, as part of the non-carrier merger, 10 shares of $100 par common stock, to serve as MTC's only outstanding capital stock, upon conversion of all MTC's presently outstanding shares into rights to receive $18 per share in the transaction.

(3) By decisions dated March 5, 1982, and April 6, 1982, respectively, applicants' petitions for waiver of certain of the Commission's procedural regulations at 49 CFR 1100.240, and Instruction 3 governing Application Form OP-F-45, were granted.

(4) Meridian, a non-carrier, presently controls 7 motor carriers and 1 freight forwarder. It contends that the transaction would be consistent with the public interest because it would: (1) Prevent takeover of McLean by speculators; (2) preserve and improve existing carrier service; (3) enlarge McLean's resources; (4) build investor confidence in the motor carrier industry; (5) enhance the financial strength of all the involved carriers; (6) preserve important regional, interregional, and transcontinental system services; and (7) promote healthy competition.

To support its contention that competition would be enhanced and not reduced, Meridian states that approval of this transaction would assure continuation of McLean's transcontinental services and restoration of McLean's former competitive strength. Approval of this transaction would also add a Meridian subsidiary, Delta Lines, to transcontinental market competition.

This transaction, according to Meridian, would not materially affect the concentration of revenue ranking or the market share, either in total revenues or in the transcontinental market as between the top transcontinental general commodities carriers. Upon consummation of the transaction, the Meridian group of carriers would still rank 5th in total revenues, with a market share of only 4 percent of the Nation's 100 largest motor carriers of property. This is the position McLean has continuously held for the last 10 years. The combined revenues of the Meridian carriers would represent 10.8 percent of the market share of the revenues of the carrier systems competing in the transcontinental market. The combined revenues of the 4 carrier systems ranked above the Meridian carriers represent 52.3 percent of the revenues of the entire transcontinental systems.

To further show that the transaction would not be anti-competitive, applicants submitted detailed studies identifying the multitude of LTL carriers operating in competition with the Meridian carriers. Since there is an abundance of competition, the transaction appears not to involve any monopoly element, and its approval at this stage would not appear to result in material anti-competitive effects.

[FR Doc. 82-15556 Filed 6-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 264]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 3, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian Carrier Applicants

In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 82109 (Sub-6)X, filed May 13, 1982. Applicant: LOUIS P. COTE, INC., 317 Blucher Street, Manchester, NH 03105. Representative: James M. Burns, Suite 413, 1383 Main Street, Springfield, MA 01103. Subs 1 and 5F certificates: broaden (1) in Sub 1, to "electrical supplies and rubber and plastic products," from batteries and tires: "building materials," from hardware: "machinery," from rigging equipment and machinery, and from textile machinery: and "chemicals and related products" from phosphate; and Subs 1 and 5, to machinery, metal products, and those commodities which because of their size or weight require the use of special handling or equipment," from stacks, boilers, generators, fabricated iron and steel plates, and articles requiring specialized handling or rigging because of size or weight; (2) to radial authority; and (3) to county-wide authority: Sub 1, Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA (Boston): Rockingham. County, NH (Portsmouth): Cumberland County, ME (Portland): Essex and Suffolk Counties, MA (Lynn and Salem): Suffolk, Middlesex, Essex, Worcester, Bristol, Plymouth and Norfolk Counties, MA (Boston and points in MA within 45 miles thereof): Windsor County, VT (Springfield): Merrimack County, NH (Concord): Hartford County, CT (Hartford): and Worcester County, MA (Sterling and Shrewsbury).

MC 103490 (Sub-89)X, filed May 19, 1982. Applicant: PROVAN TRANSPORT COPR., 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Sub 86F certificate, broaden the commodity description to "petroleum, natuarl gas and their products, and chemicals and related products," from petroleum products and chemicals, in bulk.

MC 109028 (Sub-18)X, filed May 24, 1982. Applicant: S & W TRANSFER, INC., 312 E. Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Lead permit: Applicant hold authority to transport "such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business", restricted to service to be performed under special and individual contracts or agreements with persons (as defined in Section 203(a) of the Act) who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified. Applicant seeks clarification of the restriction to conform to the basic grant of the authority to read "restricted to service to be performed under special and individual contracts or agreements with persons (as defined by Section 203(a) of the Act), who operate wholesale, retail and chain grocery and food business houses, and in connection therewith, persons who provide equipment, materials and supplies in the conduct of such business, for the transportation of the commodities indicated and in the manner specified."

MC 110686 (Sub-70)X, filed May 3, 1982. Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherland, Suite 400, 1150 Connecticut Ave., NW., Washington, DC 20036. Lead and Subs 5, 7, 8, 9, 10, 12, 13, 15, 16, 17, 19, 21, 22, 24, 25, 26, 28, 30, 32, 34, 35, 36, 39, 41, 42, 44, 47, 48, 49, 51F, 52, 54, 55F, 56F, 63F, 64F, 65F, 67F, and 69 certificates: (A) Broaden commodity descriptions as follows: lead certificate, to "metal products, and materials, equipment and supplies used in the manufacture and distribution of metal products," from iron and steel articles, returned, damaged or rejected shipments and equipment, supplies and materials used in their production, steel, copper bars, rods and wire, copper wire and cable, and wire rope: "food and related products and materials, equipment and supplies used in the manufacture and distribution thereof," from malt beverages and empty malt beverage containers, canned goods, sugar, feed, and flour: "farm products," from seeds: "petroleum or coal products, in containers," from lubricating oil in containers: "chemicals and related products and materials, equipment, and supplies used in the manufacture and distribution thereof," from liquid acids, empty containers, chemicals in drums and cylinders, empty drums and cylinders, and salt: "electrical machinery and parts and materials, equipment and supplies used in the manufacture and distribution thereof," from automobile batteries: "building and roofing materials," from roofing materials: "clay, concrete, glass or stone products," from bricks, fire brick, fire clay and fire brick tile: "pulp, paper and related products," from paper: "reels," from empty reels; Subs 5, 19, 21, 22, 24, 25, 26, 28, 32, 41, 42, 48, and 51 to "metal products, and equipment, materials and supplies used in the manufacture of metal products," from iron and steel articles, from metal angles, from used railroad rails, from iron and steel flats and angles and reject billets, from iron and steel forgings, from patterns, molds and scrap attrition plates, and from wire and chain; Sub 7 to "metal products," from wire rope: "chemicals and related products and materials, equipment, and supplies used in the manufacture and distribution thereof," from fillers and pigments: "furniture and fixtures, and materials, equipment and supplies used in the manufacture and distribution thereof," from new furniture, skeleton crated and uncrated, and materials and supplies used in their manufacturing: "Petroleum or coal products, in containers," from oil and grease in containers, and empty oil and grease containers: and "boilers, heating and cooling equipment, water heaters, storage tanks, solar equipment, and materials, equipment and supplies used in the manufacture, distribution and installation thereof," from boilers, heaters and castings, and damaged or rejected shipments; Subs 8, 15, and 17 to "clay, concrete, glass or stone products, non-metallic minerals, and equipment, materials, and supplies used in the manufacture and distribution thereof," from fire brick, fire clay, fire brick tile, clay and clay products, furnace or kiln lining cements, high termperature bonding mortars, and empty pallets; Sub 9 "transportation equipment and materials, equipment and supplies used in the manufacture and distribution thereof," from trailers in truckaway service, truck and trailer bodies, and trucks in driveaway service, Sub 12 to "reels, reel parts, and equipment, materials and supplies used in the manufacture and distribution thereof," from reels, reel parts, and such iron and steel articles as are used in the manufacture of reels; Subs 13 and 30 to "metal products, and boilers, heating and cooling equipment,

water heaters, storage tanks, solar equipment, and materials, equipment and supplies used in the manufacture, distribution, and installation thereof," from high pressure boilers, knocked down, and component parts when moving with shipments thereof, and from furnaces, boilers, burners, radiators, air conditioners, parts and accessories, and housing and enclosures; Subs 34 and 35 to "transportation equipment and materials, equipment and supplies used in the manufacture and distribution thereof," from trailers (except those designed to be drawn by passenger automobiles) in truckaway service, and truck and trailer bodies, and from bulk freight trailers in truckaway service moving on demonstration tours; Subs 36, 49, 55, 56, 67, and 69 to "buildings, building parts and roofing materials, and materials, equipment, and supplies used in the manufacture, distribution, construction, and installation thereof," from buildings, complete, knocked down, or in sections, building parts, materials, supplies, fixtures and accessories, from metal roofing and siding and fabricated metal building products, from metal buildings and metal building parts, and from grass stop in rolls, metal shove shoulls, metal roofing and siding, and fabricated building products; Sub 47 to "furniture and fixtures and materials, equipment and supplies used in the manufacture and distribution thereof," from beds, cots, and parts; Sub 52 to "transportation equipment and materials, equipment and supplies used in the manufacture and distribution thereof, "from aircraft and internal combustion engines and parts, and materials, supplies and equipment; Sub 54 to "metal products, and materials, equipment and supplies used in their manufacture and distribution" from valves, hydrants, pipe fittings, connectors and hangers, indicator posts, castings, parts materials, and supplies; Subs 63 and 64 to "boilers, heating and cooling equipment, water heaters, storage tanks, solar equipment, parts and materials, equipment and supplies used in the manufacture, distribution, and installation thereof," from water heaters, hot water storage tanks, household heating boilers, solar collector equipment, and materials, equipment and supplies; and Sub 65 to "transportation equipment and materials, equipment and supplies used in the manufacture and distribution thereof," from boat keels, and materials and supplies; (B) broaden cities and plantsites as follows: Lead certificate, Lycoming County, PA (Williamsport, Jersey Shore, and Muncy): Wayne County, NY (Ontario): Allegany County, MD (Frostburg and Cumberland): Schuylkill County, PA (Pottsville): Dauphin County, PA (Harrisburg): Ontario County, NY (Hall): Northumberland County, PA (Mt. Carmel, Shamokin, and Sunbury), Clinton County, PA (Lock Haven, Woolrich, and Beech Creek), and Union County, PA (Milton): Yates County, NY (Bellona Station): Erie and Niagara Counties, NY (Buffalo): Clearfield County, PA (Clearfield, Morrisdale, and Houtzdale): Centre County, PA (Spring Mills and Orviston): Middlesex and Hudson Counties, NY (Sewaren and Bayonne): Camden and Gloucester Counties, NY and Philadelphia County, PA (Camden, NJ): Putnam and Kanawha Counties, WV (South Charleston and Nitro): Cayuga County, NY (Cayuga): Chemung County, NY (Elmira): Erie County, NY (Tonawanda): Stark County, OH (Canton): Schuyler County, NY (Watkins Glen): Garrett County, MD (Mt. Lake Park): York County, PA (York): and Monroe County, NY (Rochester); Sub 7, Lycoming County, PA (Muncy, Hughesville, and Williamsport): Sullivan, Columbia, Montour, Northumberland and Union Counties, PA (points within 15 miles of Muncy): Hudson County, NJ (Bayonne): And Lycoming, Union and Columbia Counties, PA (Montoursville, Lewisburg, and Bloomsburg); Subs 9, 10, 13, 16, 19, 25, 30, 32, 34, 35, 42, 48, and 52, Lycoming County, PA (Muncy, Williamsport, and Jersey Shore); Sub 12, Sullivan County, PA (Muncy Valley) Subs 8 and 15, Centre County, PA (Orviston); Sub 17, Trumbull County, OH (plantsite in Champion Township, near Warren) Subs 21, 22, 24, and 26, Clinton County, PA (plantsites near Avis and South Avis); Sub 47, Cook County, IL (Harvey), and Lancaster County, PA (Columbia); Sub 51, Lycoming and Luzerne Counties, PA (plantsite at Muncy and points in Luzerne County); Sub 55, Lebanon County, PA (facilities near Annville); Subs 56 and 69, New Castle County, DE, Burlington, Gloucester, Monmouth and Salem Counties, NJ, and Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, PA (Philadelphia, PA); Sub 63, Kankakee County, IL (Kankakee); and Sub 64, Chesterfield County, SC (McBee); (C) remove restrictions: (a) against "size and weight" commodities in Subs 16, 22, 25, 28, 30, 39, 44, and 52; (b) against "commodities in bulk" in Subs 52, 54, and 55; (c) against "room air conditioners and fans, heating and air conditioning units, and parts and attachments" in Sub 44; (d) against various kinds of pipe, pipe fittings, manhole covers and gratings, in Sub 44; (e) against "those [buildings] designed to be drawn by automobiles and mounted on wheeled undercarriages, and those requiring the use of special vehicular equipment" in Sub 36; (f) against service at "Philadelphia, PA" in Sub 17; and (g) limiting service from and to the named "origin and destination" points in Subs 32, 39, 44, 52, 55, 56, and 69; and (D) change one-way service to radial authority.

MC 119752 (Sub-13) X, filed May 20, 1982. Applicant: G & G HAULAGE CO., INC., 215 Henderson Street, Jersey City, NJ 07302. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Lead and Subs-1, 4, 5, 9, and 10: (1) Broaden (a) general commodities, with exceptions, to "general commodities (except Classes A and B explosives and household goods)" in Sub-1; (b) steel products to "metal products" in Sub-4; (c) siding to "lumber and wood products, metal products, rubber and plasctic products, and clay, concrete, glass or stone products" in Sub 5; and (d) roofing felt to "building materials", and cement to "clay, concrete, glass or stone products" in Sub-10; (2) remove the facilities limitation and the originating at and destined restriction; (3) change one-way to radial authority; (4) expand Newark, NJ to Essex, Union, Hudson, Middlesex, Bergen and Passaic Counties, NJ, and Kings, Queens, Bronx, New York and Richmond Counties, NY, in the lead and Sub-4 and 10; Englewood, NJ to Bergen County, NJ and New York and Bronx Counties, NY, New Brunswick to Middlesex, Union and Somerset Counties, NJ in Sub-1; Jersey City, NJ to Hudson, Essex, Union and Bergen Counties, NJ, and New York, Queens, Kings, Richmond, and Bronx Counties, NY, in Sub 5; and Stratford to Fairfield County, CT, Phillipsdale to Providence County, RI, Finksburg to Baltimore County, MD, York to York County, PA, Howes Cave to Schorharie County, NY, and Glens Falls to Warren, Washington, and Saratoga Counties, NY, and Philadelphia to Montogomery, Chester, Delaware and Bucks Counties, PA, Hunterdon, Mercer, Monmouth, Burlington, Camden, Gloucester and Salem Counties, NJ, and New Castle County, DE, in Sub 10; and (5) eliminate restrictions in bags, commodities in bulk, liquid commodities in bulk, and except lumber.

MC 124535 (Sub-4) X, filed May 24, 1982. Applicant: SWANSON BOAT TRANSPORT CORP., 5 Trails End, Rye, NY 10580. Representative: Edward L.

Nehez, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068. Lead certificate: broaden from (a) boats and boat accessories to "transportation equipment, metal products, machinery, textile mill products, lumber and wood products" and (b) boats to "transportation equipment".

MC 136461 (Sub-4) X, filed May 20, 1982. Applicant: McKIMM MILK TRANSIT, INC., Highway 22 South, Hutchinson, MN 55350. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Lead and Sub-No. 2 certificates, broaden (1) to "food and related products," from cheese and cheese products; (2) to countywide authority: lead certificate, McLeod County, MN (Hutchinson), and Langlade, Marathon and Brown Counties, WI (Antigo, Wausau, Mosinee, and Green Bay); and Sub 2, Brown, Nicollet and McLeod Counties, MN (New Ulm and Hutchinson); (3) to radial authority; and (4) remove the "originating at and destined to" restriction in the load certificate.

MC 146232 (Sub-1) X, filed May 20, 1982. Applicant: NOLL TRANSPORTATION, INC., 4259 East 49th Street, Cleveland, OH 44125. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Lead permit: (1) Remove all restrictions in the general commodities authority "except classes A and B explosives, commodities in bulk, and household goods"; (2) broaden the territorial description to "between points in the United States (except AK and HI)"; and (3) remove the facilities restriction.

MC 149310 (Sub-2) X, filed May 21, 1982. Applicant: JERRY NEWMAN & SON, LTD., R.R. 1, Cottom, Ontario, Canada NOR 1BO. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Lead and Sub 1: (1) Broaden (a) food and vegetable wastes, soybean meal, dried distiller's grain and apple and tomato pumice to "food and related products, waste or scrap material, not otherwsie identified by the manufacturer, and farm products" in the lead; and (b) general commodities, with exceptions to "general commodities (except classes A and B explosives), and dry bulk commodities in dump vehicles to "commodities in bulk" in Sub 1; (2) change one-way to radial authority in the lead; (3) remove specific port of entry at Detroit, MI to include ports of entry in MI in the lead and Sub 1; (4) expand Detroit, MI, commerical zone to Monroe, Washtenaw, Livingston, Genessee, Oakland, Lapeer, St. Clair, Macomb, and Wayne Counties, MI in Sub 1; and (5) eliminate the plant site limitation, and remove the restrictions against originating at or destined to points in CN, and in foreign commerce only in Sub 1.

[FR Doc. 82-15558 Filed 6-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

Volume No. OP1-80

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158300, (Republication), filed January 28, 1982, published in the **Federal Register** of February 16, 1982, and republished this issue. Applicant: GERALD COSSETT, d.b.a. GERALD COSSETT TRUCKING, 2205 5th Ave. North, Fargo, ND 58102. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056. A decision by the Commission, Review Board No. 1, decided April 30, 1982 served May 10, 1982, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except commodities in bulk), between points in Cass County, ND, on the one hand, and, on the other points in the United States (except Alaska and Hawaii), (2) *foodstuffs* between points in Hubbard County, MN, Clark County, SD, and Adams County, WA, on the one hand, and, on the other points in the United States (except Alaska and Hawaii), (3) *lumber* between points in Wisconsin, Minnesota, Iowa, South Dakota, North Dakota, Michigan, and Illinois, and (4) *railroad ties* and *railroad rails* between points in the United States (except Alaska and Hawaii). Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to relect the points where the shipper has identified its facility locations, to add Illinois and to add railroad rails to part (4). Lastly, we are excluding Alaska and Hawaii from the nationwide authorities granted since it is clear that service from or to those States is not required.

Volume No. OP1-81

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 113460 (Sub-13), filed October 19, 1982, published in the **Federal Register** of November 9, 1982, and republished this issue. Applicant: BLACKHAWK TRANSPORTATION, INC., Box 3008, Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. A decision by the Commission, Review Board No. 3, decided April 2, 1982, served April 12, 1982, finds that applicant is authorized to operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodites* (except household goods, commodities in bulk, and classes A and B explosives), between points in the United States under continuing contracts with Swift Independent Packing Company, of Chicago, IL, and Wilson Foods Corporation, of Oklahoma City, OK, and its subsidiaries Briggs and Co., and Fischer Packing Company. Applicant is fit, willing, and able to properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include the Wilson Foods subsidiaries which were omitted in the first publication.

[FR Doc. 82-15557 Filed 6-8-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-123; Order No. 1]

Certain CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: June 3, 1982.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 82-15615 Filed 6-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-174 and 175 (Preliminary)]

Certain Commuter Airplanes From France and Italy

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-174 and 175 (Preliminary) to determine, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. Part 1673b(a)), whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France and Italy of certain commuter airplanes, provided for in item 694.41 of the Tariff Schedules of the United States, upon which subsidies are alleged to be paid. For purposes of this investigation, "commuter airplanes" are airplanes having a seating capacity of less than 60 seats.

EFFECTIVE DATE: May 27, 1982.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake, Office of Investigations, U.S. International Trade Commission; telephone 202-523-4618.

SUPPLEMENTARY INFORMATION:

Background.—On May 27, 1982, a petition was filed with the Department of Commerce by counsel for Commuter Aircraft Corporation alleging that producers, manufacturers, or exporters in France and Italy of certain commuter airplanes receive, directly or indirectly, bounties or grants within the meaning of section 701 of the Tariff Act of 1930 (the Act).

The Commission must make its determination in the investigations within 45 days after the date on which the Commission and the Department of Commerce receive a petition filed under section 702(b) of the Act, or by July 12, 1982 (19 C.F.R. 207.17 (1981)). The investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 C.F.R. 207.17 (1981), as amended by 47 FR 6190 (Feb. 10, 1982)), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before June 28, 1982, a written statement of information pertinent to the subject matter of these investigations. A signed original and fourteen copies of such statement must be submitted. In the event that confidential treatment of the document is requested under § 201.6, at least one additional copy shall be filed in which the confidential business information shall have been deleted and which shall have been marked "nonconfidential" or "public inspection".

Any business information which a submitter desires the Commission to treat as confidential shall be submitted in conformance with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. 201.6 (1981)). Each sheet of information for which confidential treatment is desired must be clearly marked at the top "Confidential Business Data".

All written submissions, except for confidential business data, will be available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 10:00 a.m., e.d.t., on June 23, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the Supervisory investigator for the investigations, Mr. John MacHatton, telephone 202-523-0439, not later than June 18, 1982, to arrange for their appearance. Parties in support of the imposition of countervailing duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 C.F.R. 207 (1981), as amended by 47 FR 6190 (Feb. 10, 1982), and part 201, subparts A through E (19 C.F.R. 201 (1981)), as amended by 47 FR 6190 (Feb. 10, 1982)). Further information concerning the conduct of the conference will be provided by Mr. MacHatton.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 C.F.R. 207.12 (1981)).

Issued: June 4, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-15614 Filed 6-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-154 (Preliminary)]

Hot-Rolled Stainless Steel Bar, Cold-Formed Stainless Steel Bar, and Stainless Steel Wire Rod From Spain

AGENCY: International Trade Commission.

ACTION: The Commission hereby gives notice that it has changed the numerical identification of the subject investigation. Investigation No. 701-TA-154 (Preliminary), Hot-Rolled Stainless Steel Bar, Cold-Formed Stainless Steel Bar, and Stainless Steel Wire Rod from Spain, is replaced by investigations Nos. 701-TA-176 (Preliminary), Hot-Rolled Stainless Steel Bar from Spain, 701-TA-177, Cold-Formed Stainless Steel Bar from Spain, and 701-TA-178 (Preliminary), Stainless Steel Wire Rod from Spain.

EFFECTIVE DATE: June 2, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0242.

Issued: June 4, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-15613 Filed 6-8-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-105]

Certain Coin-Operated Audiovisual Games and Components Thereof (Viz. RALLY-X and PAC-MAN); Request for Comment on Proposed Modification of Temporary Relief

AGENCY: International Trade Commission.

ACTION: Request for comment on proposed replacement of temporary cease and desist orders with a temporary exclusion order.

SUMMARY: A motion (Motion No. 105-41c) has been filed with Commission to vacate 18 temporary cease and desist orders previously issued in this investigation and replace them with an order excluding from entry into the United States all audiovisual games and components thereof which infringe complainant Midway Manufacturing

Co.'s PAC-MAN copyright or trademark during the pendency of this investigation. The articles in question may enter the United States under bond in the amount of 54 percent of the entered value during the period of temporary relief.

In conformity with § 211.57 of the Commission's Rules of Practice and Procedure (46 FR 17533, Mar. 18, 1981), the motion and this notice will be served on each party to the investigation. Within 7 days of such service, any party served may file an answer to the motion. Within 7 days of the appearance of this notice in the **Federal Register**, interested members of the public may file written comments regarding the proposed modification of temporary relief.

DATES: Answers to the motion will be considered if received within 7 days of service upon the party. Comments from the public will be considered if received within 7 days of the publication of this notice in the **Federal Register**. Answers and comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain audiovisual games and components thereof which allegedly infringe certain of complainant's copyrights and trademarks. On January 15, 1982, the Commission issued temporary cease and desist orders prohibiting further importation or sale by 18 respondents. Complainant has since filed a motion requesting that the temporary cease and desist orders be replaced with a temporary exclusion order. Complainant states that a temporary exclusion order is necessary to protect the domestic industry during the pendency of this investigation and that the U.S. Customs Service would be able to enforce such an order.

Copies of the motion in question and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Scott M. Daniels, Esq., Office of the General Counsel, telephone 202–523–0074.

By order of the Commission.

Issued: June 7, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–15778 Filed 6–8–82; 9:34 am]

BILLING CODE 7020–02–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

1. Date: June 16, 1982.
Time: 9 a.m. to 5:30 p.m
Room: 1023
Program: This meeting will review the application submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for renewal of funding for the Higher Education Panel of the American Council of Education. This meeting is jointly funded by several Federal agencies. Because of difficulties in arranging details of this program, information on the meeting was not available in sufficient time to meet the 15 day requirement.
2. Date: June 18, 1982.
Time: 9 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review the application submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for renewal of funding for the Doctorate Record File of the National Academy of Science. This meeting is jointly funded by several Federal agencies. Because of difficulties in arranging details of this program, information on the meeting was not available in sufficient time to meet the 15 day requirement.
3. Date: June 28 and 29, 1982.
Time: 9 a.m. to 5:30 p.m.
Room: 1130.
Program: This meeting will review application submitted for the Special Program Soliciation "Conditions in the Humanities: Further analysis of Existing Data Resources," of the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for projects beginning after January 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on the applications for financial assitance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial and financial information obtianed form a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate the implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to close Advisory Committeee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained form Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call 202–724–0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 82–15594 Filed 6–8–82; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, OP 618–4 (which should be mentioned in all correspondence concerning this draft guide), is the second proposed Revision 4 to

Regulatory Guide 8.8 and is entitled "Information Relevant to Ensuring that Occupational Radiation Exposures at Nuclear Power Sattions Will Be As Low As Is Reasonably Achievable (ALARA)." The guide is being developed to provide information relevant to attaining goals and objectives for planning, designing, constructing, operating, and decommissioning a nuclear power station to meet the criterion that exposures of station personnel to radiation during routine operation of the station will be "as low as is resonably achievable" (ALARA).

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 10, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information amd Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 2nd day of June 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 82-15608 Filed 6-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp., Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Provisional Operating License No. DSPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the license for operation of the R. E. Ginna Nuclear Power Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates Item 20 of License Condition 2.C(9) which is one of the commitments discussed in NUREG-0916 (pages 4-12 and 4-13). This commitment was inadvertently omitted from Section 9.0 of NUREG-0916 when distributed initially in xerox form, and was, therefore, inadvertently omitted as a License Condition. The commitment relates to criteria which should be provided in the procedures for steam generator tube rupture events.

The license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the License Amendment No. 51 dated May 22, 1982 and NUREG-0916,[1] (2) Amendment No. 52 to License No. DPR-18, and (3) the Commission's related letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of License Amendment No. 51 and Items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

[1] Procedures to be followed for obtaining this document is stated in the **Federal Register** notice for License Amendment No. 51 dated May 22, 1982.

Dated at Bethesda, Maryland, this 2nd day of June, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-15606 Filed 6-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Systematic Evaluation Program; Availability of Draft Integrated Plant Safety Assessment Report for the R. E. Ginna Nuclear Power Plant

The Nuclear Regulatory Commission (NRC) Office of Nuclear Regulatory (NRR) has published its Draft Integrated Plant Safety Assessment Report related to Rochester Gas and Electric Corporation's R. E. Ginna Nuclear Power Plant in Wayne County, New York.

The report documents the review completed under the Systematic Evaluation Program (SEP). The SEP was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. The review has provided for (1) an assessment of the significance of differences between current technical positions on safety issues and those that existed when the Ginna Plant was licensed, (2) a basis for deciding on how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety. Equipment and procedural changes have been identified as a result of the review. It is expected that this report will be one of the bases in considering the conversion of the provisional operating license to a full-term operating license.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Rochest Public Library, 115 South Avenue, Rochester, New York 14604 for inspection and copying. Single copies of this report (Document No. NUREG-0821) may be requested from the U.S. Nuclear Regulatory Commission, Director, Division of

Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 27th day of May 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-15607 Filed 6-8-82; 8:45 am]

BILLING CODE 7590-01-M

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Changed Meeting

This is to announce a change in starting time for the next meeting of NRC's Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals to be held on June 10, 1982. The starting time will be 9:30 a.m. instead of 10:00 a.m. as previously announced in the **Federal Register** (47 FR 21168). All other information regarding the June 10 meeting remains unchanged.

Subsequent meetings of this Ad Hoc Committee are now scheduled for June 28 and July 12, 1982. The meetings will be open for public observation and will begin at 9:30 a.m. on both days at the offices of Shaw, Pittman, Potts and Trowbridge, South Building, 9th Floor Lobby, 1800 M St., N.W., Washington, D.C.

At these meetings, the Committee will continue its review of proposals for reforming the NRC's licensing process for nuclear plants. Transcripts of the meetings will be made available for public inspection and copying at NRC's Public Document Room, 1717 H St., N.W., Washington, D.C.

Further information on the meetings may be obtained from Mr. Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Tel. 202/634-1465).

Dated at Washington, D.C., this 3rd day of June 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-15610 Filed 6-8-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Systematic Evaluation Program; Meeting

The ACRS Subcommittee on the Systematic Evaluation Program will hold a meeting on June 30, 1982 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will review the Integrated Plant Safety Assessment, Systematic Evaluation Program review of the R. E. Ginna Nuclear Power Plant.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. (SUNSHINE ACT EXEMPTION 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday, June 30, 1982—8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Rochester Gas and Electric Corporation, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. e.d.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.SC. 552b(c)(4).

Dated: June 4, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-15611 Filed 6-8-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council Panel on Future Military Technologies; Meeting

Notice is hereby given that the panel named above will meet at 8:30 a.m. on June 22, and June 23, 1982, at Science Applications Inc., La Jolla, California.

The panel will discuss research and development of future military programs.

The meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(1): All material under discussion is classified defense information. Authority for closing: Director, Office of Science and Technology Policy.

Contact: Dr. Alf L. Andreassen, Office of Science and Technology Policy, 726 Jackson Place, N.W., Washington, D.C. 20500, Phone: (202)395-5684.

Robert D. Linder,

Executive Director, Office of Science and Technology Policy.

June 4, 1982.

[FR Doc. 82-15542 Filed 6-4-82; 10:37 am]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22521; (70-6558)]

American Electric Power Co., Inc.; Proposal To Issue and Sell Additional Common Stock to Trustee of Employees' Thrift Plan

June 3, 1982.

American Electric Power Company, Inc. (the "Company"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a post-effective amendment to its declaration in this proceeding and an amendment thereto with this Commission pursuant to Sections 6(a), 7 and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 50(a)(5), 62 and 65 thereunder.

By order dated April 24, 1981 (HCAR No. 22025) the Company was authorized to issue and sell, from time to time through June 30, 1982 up to 200,000 shares of authorized unissued common stock $6.50 par value to the Huntington National Bank ("Trustee"), as trustee of the Columbus and Southern Ohio

Electric Company Employees' Thrift Plan ("Thrift Plan").

The Company proposes to issue and sell, from time to time through June 30, 1985 to the Thrift Plan up to an additional 100,000 shares of its authorized unissued Common Stock, $6.50 par value (the "Additional Common Stock") plus the unsold balance of the shares of Common Stock authorized by the Commission by the April 24, 1981 order. The price to the Trustee of such shares on any date of sale will be the average of the high and low sales price of the Company's Common Stock on the New York Stock Exchange on such date (determined after the close of trading for the day), but in no event less than the par value thereof.

Through May 15, 1982, a total of 70,532 of the previously authorized shares had been sold to the Trustee for a total price of $1,176,185.34, leaving a balance of 129,468 shares available for issuance and sale. During 1981, the number of shares sold to the Trustee averaged about 6,500 shares each month. At this rate, approximately 234,000 shares would be required for issuance and sale during the 3-year period from the date of this amendment through the end of June 1985. The Company believes that it would be prudent to have a sufficient balance of authorized shares, in excess of the requirements indicated by the present rate of sales, to allow for contingencies such as decreases in the market price of the Common Stock or significant increases in the rate of contributions to the Parent Company Stock Fund by participants in the Thrift Plan.

The amended declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 28, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15549 Filed 6-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12457; File No. 812-5202]

Guy O. Dove, III; Filing of Application Pursuant to Section 9(c) of the Investment Company Act of 1940 and Order of Temporary Exemption Pending Determination of the Application

June 3, 1982.

I

Notice is hereby given that Guy O. Dove, III, referred to herein as Applicant, has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940, 15 U.S.C. 80a-1 *et. seq.*, as amended (the "Act"), for an order granting him an exemption from the provisions of Section 9(a) of the Act and a temporary exemption from Section 9(a) pending the Commission's determination of the application for a permanent exemption.

All interested persons may review the application on file with the Commission for a statement of the representations therein, pertinent parts of which are summarized below.

In June 1982, the Applicant was named as the defendant in *Securities and Exchange Commission* v. *Guy O. Dove, III*, which was filed by the Commission in the United States District Court for the District of Columbia ("civil action"). The Commission's complaint alleges that the Applicant violated Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5, 17 CFR 240.10b-5, promulgated thereunder, in connection with short sales of the common stock of Advent Corporation ("Advent") for the accounts of the Applicant, a member of the Applicant's family and a family-owned business. Simultaneously with the filing of the Commission's Complaint, the Applicant, without admitting or denying the allegations in the Commission's Complaint, consented to the entry of a Final Judgement of Permanent Injunction and for Other Equitable Relief ("Final Judgment") against him, and the Court entered the Final Judgment, which enjoined the Applicant from engaging in transactions, acts, practices or courses of business which constitute or would constitute violations of the provisions cited above. The Final Judgment provides other remedial relief requested by the Commission, including disgorgement of profits realized from the short sales of Advent common stock set forth in the Complaint.

Section 9(a) of the Act, insofar as it is pertinent here, disqualifies any person, or any company with which such person is affiliated, from serving or acting in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company if such person is by reason of any misconduct enjoined by order, judgment or decree by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) of the Act provides that upon application the Commission shall by order grant an exemption from the provisions of Section 9(a) of the Act, either inconditionally or on an appropriate temporary or conditional basis, if it is established that the prohibitions of Section 9(a), as applicable to applicant, are unduly or disproportionately severe or that the conduct of the applicant has been such as not to make it against the public interest or protection of investors to grant such application.

The Applicant has submitted an application pursuant to Section 9(c) of the Act stating, *inter aila*, that:

1. The prohibitions of Sections 9(a) of the Act would be unduly and disproportionately severe as applied to him and his conduct has not been such as to make it against the public interest or protection of investors to grant the requested exemption from Section 9(a) of the Act.

2. Prior to the Final Judgment referred to above, no findings or judgments related to violations of any federal or judgments related to violations of any federal or state securities laws have even been entered by any court of administrative body against the Applicant.

3. Although the Applicant was employed an an officer of an investment adviser at the time of his transactions in Advent common stock, his alleged violative conduct, as set forth in the Commission's Complaint, was unrelated to any of the activities of the Applicant undertaken in connection with his relationship with his employer.

4. In consenting to a settlement of the Commission's action, the Applicant has agreed to disgorge all of the profits realized as a result of the transactions,

acts, practices and courses of business alleged in the Commission's Complaint.

5. The Applicant has never before applied for an exemption from provisions of section 9(c) of the Act.

6. The prohibitions of Section 9(a) would be unduly severe in that the Applicant would be deprived of his ability to act as an employee or officer of any investment adviser (in which area of employment the Applicant has served for the past three years) or of any other class of entities identified in Section 9(a) of the Act.

7. In consenting to a settlement of the Commission's civil action, the Applicant has relied on an agreement by the staff of the Commission not to oppose an application for permanent exemption from the provisions of Section 9(a) of the Act, based solely on the Final Judgement or the allegations on the Commission's Complaint, and on the Commission's agreement to issue immediately an order or temporary exemption from the provisions of Section 9(a) of the Act.

II

The Commission, having considered the matter, the Applicant's application for an exemption from the prohibitions of Section 9(a) of the Act and the relief granted by the court in the civil action described above, finds that the prohibitions of Section 9(a) of the Act may be unduly or disproportionately severe as applied to the applicant.

III

Accordingly, it is hereby ordered that, pursuant to Section 9(c) of the Act, the Applicant and his employer, as of the date of this Order, be and hereby are granted a temporary exemption from the prohibitions of Section 9(a) of the Act, pending final determination by the Commission of the application for an Order granting an exemption from such prohibitions.

IV

Notice is further given that any interested person may, not later than July 2, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Harvey Clapp, Esq., Venable, Baetjer and Howard, 1800 Mercantile Building, 2 Hopkins Plaza, Baltimore, Maryland 21201. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Commission's Rules and Regulations, the application herein will be issued as a matter of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15550 Filed 6-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 806; 803-20]

Pacific Asset Management and Pacific Management, Ltd.; Filing of Application

June 2, 1982.

Notice is hereby given that Pacific Management ("PAM") an investment adviser registered under the Investment Advisers Act of 1940 ("Act") and Pacific Asset Management, Ltd. (the "General Partner", collectively, "Applicants") 601 Montgomery Street, San Francisco, CA 94111 which intends to register as an investment adviser under the Act, filed an application on June 29, 1981, and amendments thereto on February 22, 1982, May 3, 1982, and May 20, 1982, requesting an order of the Commission pursuant to Section 206A of the Act (1) exempting Applicants' advisory fee arrangements with certain limited partnerships to be established by Applicants from the prohibitions of Section 205 (1) of the Act, and (2) exempting the General Partner from the recordkeeping requirements of Rule 204-2 (b) and (c) under the Act to the extent those provisions require separate records to be maintained for each limited partner in the partnerships. Applicants further request an order of the Commission pursuant to Section 210(a) of the Act granting confidential treatment to the Limited Partnership Agreement (the "Partnership Agreement") attached as Exhibit A to the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the General Partner will be formed as a limited partnership under California law by Robert M. Sutton and Anthony S. Hooker (three of the five beneficial owners of Asset Advisers, the beneficial owner of PAM. PAM is an asset management and financial planning firm. These three individuals will serve as general partners, with PAM as the sole limited partner. Applicants represent that, if the application is granted, the General Partner will register under the Act.

Applicants state that the General Partner proposes to form and become the General Partner of one or more new limited partnerships (the "Partnership(s)") each of which will consist of not more than 35 sophisticated individuals or entities as limited partners. The Partnerships will invest principally in securities of small and medium sized developing companies (both public and private) with high growth potential and in other relatively small public companies whose securities are not actively traded and offer significant potential for appreciation. The Partnerships will also seek out other special situations involving high appreciation potential. Applicants represent that the Partnerships will be exempt from registration as investment companies under the Investment Company Act of 1940, by reason of Section 3(c)(1) thereof. Applicants also represent that the limited partnership interests will be sold in private offerings exempt from registration under the Securities Act of 1933 pursuant to Section 4(2) thereof.

Accordingly to the application, each of the limited partners of each Partnership will be required to make a minimum investment of $250,000. With the General Partners' consent, such contributions may be made in securities rather than in cash. No limited partner of any of the Partnerships will be permitted to contribute more than 10% of that Partner's total capital, if such investment would cause that Partnership to be required to register under the Investment Company Act of 1940. Limited partners will be required to have a net worth of not less than $1 million. In addition, a limited partner's investment in any or all of the Partnerships must represent no more than 15% of the gross value of the assets in which he has a beneficial interest. A limited partner will be permitted to transfer his interest only with the General Partner's consent.

Applicants represent that the partnership agreement for each Partnership will require that the General Partner contribute to the Partnership's capital an amount at least equal to the greater of 1% of the aggregate capital contributions by all partners (including any additional capital contributed in cash or kind to the Partnership by any limited partner or received by the Partnership upon the sale of additional partnership interests) or $150,000. The partnership agreement of the General Partner will require its partners to make contributions to the General Partner sufficient to permit the General Partner to make at least its required contribution to each Partnership. None of the partners of the General Partner will be permitted to withdraw any of their contributions or receive any distribution from the General Partner, except that the General Partner will be permitted to distribute to its partners amounts withdrawn or distributions received from the Partnerships.

The General Partner will be solely, responsible for the management and administration of the Partnerships' business, including the making of all investment decisions on behalf of the Partnerships. The concurrence of a majority in interest of the general partners of the General Partner will be required for the purchase or sale of any securities by any of the Partnerships. As a limited partner of the General Partner, PAM will not participate in the management of the General Partner. Applicants expect, however, that the General Partner will contract with PAM for office space and administrative services to be provided to the Partnerships.

The General Partner will be responsible for all operating expenses of each Partnership, including salaries, rent and administrative support services. To cover the estimated amount of such expenses, each Partnership will pay the General Partner a quarterly management fee based on a percentage of the net value of that Partnership's assets. If the General Partner contracts will PAM for office space and administrative services, the General Partner will pay all or a substantial portion of this management fee to PAM. Each Partnership will pay its own expenses related to its securities portfolio (e.g., interest, brokerage fees, registration expenses) and any cost of professional services rendered to the Partnership.

The General Partner will maintain financial records for each Partnership, and will provide quarterly reports to the limited partners on the affairs of the Partnership. Each Partnership will be audited annually by an independent certified public accountant selected by the General Partner. The General Partner will provide to the limited partners an annual report of the Partnership accompanied by the independent accountant's report. According to the Partnership Agreement, the limited partners of each Partnership (excluding interests held by the General Partner) must approve any action to be taken with respect to the following matters: extensions or early termination of the Partnership, admission of additional limited partners or general partners, transfer of the general partnership interest, expulsion of limited partners, removal of the General Partner, independent valuation of securities, certain distributions in kind and dissolution of the partnership upon the occurrence of cetain events.

According to the application, in addition to the management fee, the General Partner will be allocated a 20% share of all net operating income and realized and unrealized capital gains and, subject to the limits described below, of all net operating and realized and unrealized capital losses of each Partnership. Each partner (limited and general) will be allocated a share of the remaining 80% of the profits and losses of the Partnership, based on the proportion which has partnership capital account bears to the capital accounts of all of that Partnership's partners.

The General Partner will value the marketable securities held by each Partnership quarterly. The General Partner will value securities that are not publicly traded (or are infrequently traded) only annually, unless facts come to the General Partner's attention that would cause it to believe that the value of such a security has materially changed. The limited partners of each Partnership shall have the right to demand an independent review of any quarterly valuation of the Partnership's assets upon the request of thirty percent in interest of the limited partners or of four or more limited partners holding at least twenty percent in interest of the Partnership. Upon each valuation, the capital account of each partner will be adjusted to reflect his allocable share of Partnership income, gains and losses. However, the General Partner's capital account in each Partnership shall not be reduced below zero. Losses that would reduce the General Partner's capital account below zero shall be allocated to the limited partners as contingent losses. Such contingent losses shall be restored to the limited partners out of the first subsequent gains that would have been allocated to the General Partner's capital account.

The Partnership Agreement requires that 25% of each Partnership's net income for each year be distributed annually to its partners in cash or in kind, in proportion to the amounts of such income credited to their respective capital accounts. In addition, in the General Partner's discretion, additional net realized profits may be distributed to the partners in cash or in kind as long as: (1) there are no unrestored contingent losses allocated to the limited partners; (2) after giving effect to the distribution, the net value of the remaining assets of the Partnership equals or exceeds the amount of capital contributed to the Partnership, plus 120% of the Partnership's unrealized capital losses, less the amount of the original capital which has been withdrawn from the Partnership; and (3) after giving effect to the distribution, the net value of the remaining assets of the Partnership is not less than $5 million. All such discretionary distributions of realized profits to the partners shall be in proportion to their respective capital accounts.

The General Partner may also distribute securities in kind to the partners ratably in proportion to their profits interests. Before receiving such a distribution, the General Partner must restore the cost of its 20% share of such securities by paying such amount in cash concurrently with the distribution. All distributions in kind will require the consent of a majority in interest of the limited partners unless the securities are publicly traded or expected to become registered within three months of the distribution.

For three years after the formation of each Partnership, the limited partners may not, without the consent of the General Partner, and the General Partner may not, withdraw any amount from their capital accounts. After those three years, any limited partner may withdraw any portion of his capital account in a Partnership. Withdrawals by and distributions of profits in cash or in kind to the General Partner, however, may not reduce the General Partner's capital account below either (1) the greater of $150,000 or 1% of the aggregate of all partners' capital contributions, or (2) the difference between the net realized profits previously allocated to the General Partner and 20% of the Partnership's unrealized losses on the date of the distribution or withdrawal. All withdrawals will be based on year-end values. Each withdrawing partner shall

pay the expenses of the Partnership resulting from the withdrawal, as reasonably estimated by the General Partner. The withdrawal shall be paid to the partner in cash, or by distribution of a pro rata portion of each of the Partnership's securities or, with the consent of a withdrawing limited partner, by a non-pro rata distribution of securities. The General Partner will not be permitted to borrow funds from a Partnership.

Section 205(1) of the Act provides that no investment adviser, unless exempt from registration pursuant to Section 203(b) of the Act, shall enter into or perform any investment adivsory contract which provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client. Section 208(d) of the Act provides that a registered adviser shall not do indirectly what it is prohibited from doing directly. Because PAM is a registered adviser and the General Partner intends to register as an adviser under the Act, Applicants request an exemption from Section 205(1) to the extent necessary to permit the General Partner to receive its proposed share of the profits of the Partnerships and to permit PAM to receive distributions and other payments on account of its interest in the General Partner.

Applicants assert that the purpose of the prohibition against an adviser receiving a share of the capital gains on its client's funds is to prevent an adviser from being encouraged to take undue risks with those funds because the adviser shares in the gains but does not share in the risk of losses. Applicants argue that because (1) the General Partner will have substantial funds invested in the Partnerships; (2) the General Partner's share of gains will be reduced by an equal share of the Partnerships' losses; and (3) the amount and timing of distributions to and withdrawals by the General Partner are significantly restricted; the General Partner will not be encouraged to take undue risks with Partnership funds.

Applicants further argue that because the General Partner is credited only with its percentage of the excess of aggregate net realized capital gains over net unrealized capital losses, the General Partner will have no incentive selectively to realize gains and avoid realizing losses. Applicants further state that the limited partners will be sophisticated and well able to understand the impact of the General Partner's being allocated a share of the Partnerships' profits.

Applicants also claim that the creation of funds like the Partnerships will promote the public interest by encouranging investment in emerging and smaller public companies. Applicants argue that the importance of emerging companies to the economy has been recognized by Congress and steps have been taken to encourage investments in such companies. Applicants further agrue that information about smaller public companies is relatively poorly dispersed in the securities markets, and the market for the securities of such companies is therefore relatively restricted. An increase in the number of persons analyzing such companies and interested in their securities, Applicants claim, will improve that market and aid those companies.

Applicants assert that funds like the Partnerships are the only non-speculative way investors can invest in relatively speculative investments such as the securities of emerging companies. Because each Partnership will hold the securities of a number of companies and because an investment in only a few successful companies will counter-balance a Partnership's investment in other companies which may not perform as well, investment through entities like the Partnerships, Applicants argue, significantly reduces the speculative nature of investing in emerging companis.

Finally, Applicants assert that the proposed arrangement for sharing profits and losses is both competitive and fair. Applicants state that because of the nature of the market, the General Partner intends to spend a substantial amount of time doing independent investigation of companies in which the Partnerships might wish to invest. In addition, the General Partner will monitor portfolio companies on an ongoing basis and, if approrpiate, serve on their boards or offer them managerial advisory services. Applicants believe that a substantial fee is required to reward these extensive efforts adequately. Without significant success, however, Applicants argue that such a fee would probably be unmarketable and would be unfair to the limited partners. Accordingly to Applicants, a profit-sharing system permits an adequate level of reward, but only if a Partnership is successful. Applicants state that profit-sharing arrangements are traditional in the venture capital field.

The General Partner also requests exemption from Section 204 of the Act and paragraphs (b) and (c) of Rule 204–2 thereunder, which require a registered investment adviser having custody or possession of a client's securities of funds of rendering investment supervisory or managerial services to a client to maintain designated books and records with respect to each such client. The General Partner proposes to maintain the designated books and records for each Partnership rather than for each limited partner. The General Partner considers it impractical and unduly burdensome to prepare and maintain all of the designated books and records for each limited partner individually. The General Partner will, however, maintain capital accounts for each limited partner reflecting his contribution, allocations, distributions and withdrawals.

The General Partner therefore requests an order exempting it from the provisions of Section 204 of the Act and of Rule 204–2(b) and (c) to the extent that such provisions might otherwise require it to maintain the designated books and records with respect to each limited partner. The General Partner represents that it will comply with all other applicable provisions of Rule 204–2.

The Commission is empowered under Section 206A of the Act of exempt any person from the provisons of the Act and the rules and regulations thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 210 of the Act as pertinent herein, provided that information contained in any application filed with the Commission pursuant to any provision of the Act shall be made available to the public, unless the Commission by order upon application finds that public disclosure is neither necessary nor appropriate in the public interest of for the protection of investor. The General Partner requests and order of the Commission for confidential treatment of the form of partnership agreement designated as Exhibit A to the application. In support of this request the General Partner states that the essential terms of the Partnership Agreement have been disclosed in this application; the Partnership Agreement itself constituties trade secret or commercial or financial information that is privileged and confidential; there will be no public offering of the partnership interests and prospective investors will be provided with a copy of the Partnership Agreement. Thus, public disclosure of the Partnership Agreement is neither necessary nor appropriate in

the public interest or for the protection of investors.

Notice is further given that any interested person may, not later than June 28, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on an application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personnaly or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of the application will be issued as of course following said date unless the Commission thereafter order a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmoms,

Secretary.

[FR Doc. 82–15547 Filed 6–8 82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18600; (SR–PSE–82–2)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 26, 1982.

The Pacific Stock Exchange, Incorporated ("PSE") 301 Pine Street, San Francisco, CA 94104, submitted on February 8, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to clarify the priority of certain types of orders on the options trading floor and provide for the handling of cancellations of certain orders held by the Order Book Official.

Notice of the proposed rule change together with terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18496, February 18, 1982) and by publication in the **Federal Register** (47 FR 8112, February 24, 1982). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–15548 Filed 6–8–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18772; File No. SR–OCC–82–11]

Self-Regulatory Organizations; Proposed Rule Change; the Options Clearing Corp.

Relating to the acceptance of underlying stocks as an additional form of margin which could be used by clearing members to satisfy their margin obligations.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 20, 1982, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

Forms of Margin

Rule 604. Required margin may be deposited with the Corporation in one or more of the following forms:

(a) [No change]

(b) [No change]

(c) [No change]

(d) *Underlying Common Stocks. (1) Clearing Members may deposit, as hereinafter provided, common stocks which are underlying securities for classes of option contracts outstanding at the time of the deposit. Each such deposit shall be made with respect to a designated account of the Clearing Member. Such stocks shall be valued on a daily basis at the then maximum loan value of such stocks pursuant to the provisions of Regulation U of the Board of Governors of the Federal Reserve System or such lower value as the Margin Committee of the Corporation may prescribe from time to time with respect to such stocks, or any of them; provided, however, that in no event shall any stock be valued in excess of 70% of its current market value. In determining the maximum loan value of any stock, its current market value shall be deemed to be its "daily underlying securities marking price" as defined in Rule 602. Stocks of any one issuer shall not be valued at an amount in excess of 10% of the margin requirement in the account for which such stocks are deposited. Stocks deposited pursuant to Rule 610 shall have no value as margin for the purposes of this Rule 604(d).*

(2) No stock held for the account of a customer (other than a Market-Maker or specialist) may be deposited hereunder in respect of any account other than the customers' account. No stock held for the account of any Market-Maker or specialist shall be deposited in respect of any account other than such Market-Maker's or specialist's account or a combined Market-Makers' or specialists' account in which such Market-Maker or specialist is a participant. No stock carried for the account of any customer that is either a "fully paid security" or an "excess margin security" within the meaning of SEC Rule 15c3–3 shall be deposited with respect to any account hereunder.

(3) Deposits may be made hereunder by depositing stock with a bank or trust company or other depositee approved by the Corporation under irrevocable arrangements (i) permitting the stock to be promptly sold by or on the order of the Corporation for the account of the Clearing Member without notice and (ii) requiring the Clearing Member to pay all fees and expenses incident to the ownership or sale of the stock or the arrangement with the depository. The stock shall be deemed to have been deposited with the Corporation at the time the Corporation receives confirmation of such deposit from the depository. All dividends or gain received or accrued on such stock, prior to any sale or negotiations thereof, shall belong to the depositing Clearing Member.

(e) [No change]

Withdrawals of Margin

Rule 608. In the event that the amount of a Clearing Member's margin on deposit exceeds the amount required on

a particular day, as shown by the Daily Margin Report for such day, the Corporation shall authorize the withdrawal of the amount of the excess upon the submission to the Corporation by the Clearing Member between 10:00 A.M. and 1:00 P.M. Central Time (11:00 A.M. and 2:00 P.M. Eastern Time) of such day of a withdrawal request in such form as the Corporation shall prescribe. *Notwithstanding the foregoing, a Clearing Member may not withdraw margin in any form in an amount in excess of the amount of margin of that form deposited in the account from which the withdrawal is made.*

Variation Margin

Rule 609. The Chairman or President of the Corporation shall be authorized to require the deposit of additional margin by an Clearing Member in any account at any time during any business day which the Chairman or President may deem advisable to reflect changes in (*i*) the market price during such day of any series of options held in a short position in such account or of any underlying security held in an exercised position in such account, [or changes in] (*ii*) the sizes of such Clearing Member's positions [or changes in], *(iii) the value of securities deposited by the Clearing Member as margin pursuant to Rule 604, or (iv)* the financial position of the Clearing Member[s], or *otherwise* to protect the Corporation, the other Clearing Members or the general public. Such margin, which shall be known as variation margin, shall be deposited by the Clearing Member within such time as may be prescribed by the Chairman or President. Credit shall be given for all such variation margin deposits in the Daily Margin Report for such account on the following business day.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

Under OCC's present rules, a clearing member may meet its margin obligations with respect to uncovered short options positions by depositing cash, Government securities or bank letters of credit. The purpose of this proposed rule change is to add a fourth permissible form of margin—underlying stocks which are not being used to cover options positions pursuant to Rule 610. Substantial cost savings can be achieved by permitting clearing members to deposit underlying stocks in satisfaction of their OCC margin obligations.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as amended (the "Act"), in that it reduces the costs imposed on the securities industry without jeopardizing the purposes of the Act applicable to OCC. Indeed, the reducton of unnecessary costs in the clearance and settlement of securities transactions is a statutory objective under Section 17A of the Act.

The proposed rule change is entirely consistent with OCC's statutory responsibility to maintain adequate financial safeguards to protect itself, its clearing members and the public. The proposed rule change would, for margin purposes, value underlying stocks very conservatively. Such stocks would be valued at the then maximum loan value of such stocks pursuant to Regulation U (which presently is set at 50% of current market value). In no event, however, could any stock be valued in excess of 70% of its current market value. Thus, at all times there would be at least 30% deduction from the market value of the underlying stock—the same deduction which is prescribed in the Commission's basic net capital rule and a substantially larger deduction than that prescribed in the alternative net capital rule. As an additional safeguard, OCC would not permit the stocks of any one issuer to be used to cover more than 10% of the total margin requirment for the account in which such stocks are deposited.

(B) Burden on Competition

OCC does not believe that the proposed rule change would have any material impact on competition.

(C) Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change, and no written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before July 14, 1982 of or within such longer period (i) as the Commission may designate up to 90 days if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 30, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 28, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15546 Filed 6-8-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0252]

Richardson Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102), under the name of Richardson Capital Corporation, 558 S. Central Expressway, Richardson, Texas 75080, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as

amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the applicant are as follows:

Clifton W. Cassidy, 4229 Arcady, Dallas, Texas 75205—Chairman, Director

Curtis T. Miller, 9515 Trailhill, Dallas, Texas 75205—President, Treasurer & Director

Edward L. Teer, 715 Headlee, Denton, Texas 76201—Executive Vice President

Herschel M. Hearne, Jr., 15327 Cypress Hills, Dallas, Texas 75248—Vice President, General Counsel and Director

Lyndabel E. Martin, 717 Williams Way, Richardson, Texas 75080—Secretary

Richardson Savings and Loan Association—100 percent Shareholder.

The Applicant, a Texas Corporation, will begin operations with $1,000,000 paid-in capital and paid-in surplus. The Applicant will conduct its activities principally in the State of Texas.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than 15 days from the date of publication of this Notice, submit written comments to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 3, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-15623 Filed 6-8-82; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 111
Wednesday, June 9, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

Notice of Deletion of Item From the June 3, 1982 Meeting

TIME AND DATE: 10:00 a.m., June 3, 1982.

PLACE: Room 1027 (open), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 15. Docket 40294, Final order in the *United States-Latin America All-Cargo Show Cause Proceeding* (Memos 960-A and 960-B, BIA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-853-82 Filed 6-4-82; 4:18 pm]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:55 p.m. on Thursday, June 3, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from International City Bank and Trust Company, New Orleans, Louisiana.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(9)(B), and and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(9)(B), and (c)(10)).

Dated: June 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[S-857-82 Filed 6-7-82; 11:10 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 14, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of the actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits:

Audit Report re: Corporation Security Portfolio, dated April 27, 1982.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 7, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-861-82 Filed 6-7-82; 3:38 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 14, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii), of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 522b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases,

reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 7, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–862–82 Filed 6–7–82; 3:40pm]

BILLING CODE 6714–01–M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 3, 1982.

TIME AND DATE: 0:00 a.m., Wednesday, June 9, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STSTUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Mathies Coal Company, Docket Nos. PENN 80–260–R and PENN 81–35. (Issues include whether the judge properly concluded that the operator violated 30 CFR § 75.1722(a), which deals with the safeguarding of machine parts that may cause injury to persons.)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

[S–860–82 Filed 6–7–82; 2:12 pm]

BILLING CODE 6735–01–M

6

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10:00 a.m., Monday, June 14, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: June 4, 1982.

James McAfee,

Associate Secretary of the Board.

[S–855–82 Filed 6–4–82; 4:33 pm]

BILLING CODE 6210–01–M

7

FEDERAL TRADE COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, June 8, 1982.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Presentation to the Commission by American Association of Advertising Agencies on "Test Marketing."

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1892; Recorded Message: (202) 523–3806.

[S–856–82 Filed 6–7–82; 10:45 am]

BILLING CODE 6750–01–M

8

NATIONAL SCIENCE BOARD

DATES AND TIME:

June 16, 1982 3:00 p.m.—Open Session.
June 17, 1982 8:00 a.m.—Open Session.
June 18, 1982 9:00 a.m.—Closed Session.
June 18, 1982 9:30 a.m.—Open Session.

PLACE: University of California, San Diego, La Jolla, California.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Wednesday, June 16, 3:00 p.m.

1. Science in the International Setting.

Thursday, June 17, 8:00 a.m.

2. Chairman's Report on Role of NSB/NSF.
1. Science in the International Setting (continued).
2. Role of NSB/NSF (continued).

Friday, June 18, 9:30 a.m.

5. Minutes—Open Session—May 1982 Meeting.
6. Chairman's Items.
7. Director's Report.
8. Other Business.
1. Science in the International Setting (continued).
1&2 Adoption of Final Resolutions.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

Friday, June 18, 9:00 a.m.

3. Minutes—Closed Session—May 1982 Meeting.
4. NSB and NSF Staff Nominees.

CONTACT PERSON FOR MORE INFORMATION: Ms. Margaret L. Windus, Executive Officer, NSB, 202/357–9582.

[S–859–82 Filed 6–7–82; 12:04 pm]

BILLING CODE 7555–01–M

9

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–82–15]

TIME AND DATE: 9 a.m., Thursday, June 17, 1982.

PLACE: NTSB Board Room, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Rear-end Collision of Louisville and Nashville Railroad Company Trains No. 586 and Extra 8072 North, New Johnsonville, Tennessee, December 28, 1981.
2. *Marine Accident Report:* Collision of the U.S. Towboat M/V BRUCE BROWN and Tow with the U.S. Towboat FORT DEARBORN and Tow, Mile 667.6, Ohio River, December 9, 1981.
3. *Highway Accident Report:* Pacific Intermountain Express Tractor Cargo Tank Semitrailer/Eagle F.B. Truck Lines, Inc., Lowboy Semitrailer Collision and Fire, U.S. Route 50, near Canon City, Colorado, November 14, 1981.
4. *Marine Summary Reports.*
5. *Marine Summary Reports.*

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–382–6525.

June 7, 1982.

[S–858–82 Filed 6–7–82; 11:58 a.m.]

BILLING CODE 4910–58–M

10

NUCLEAR REGULATORY COMMISSION

DATE: Week of June 7, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Thursday, June 10:

2:00 p.m.: Briefing on Reactor Operator Qualifications (Public Meeting)
a. Briefing by industry
b. Briefing by Staff on Task Analysis Work and Plans

4:00 p.m.:
Affirmating/Discussion Session (Public Meeting)
Affirmation and/or Discussion and Vote:
a. Final Amendment to 10 CFR 50 and to Appendix E: Modification to Emergency Preparedness Regulations Relating to Low Power Operation (Postponed from 6/3/82)

Friday June 11:

10:00 a.m.

Discussion of Status of Shift Manning Requirements (Open—Portions may be closed) (Tentative)

2:00 p.m.
Discussion and Possible Vote on Requirements for Emergency Response Capability (Public meeting) (Tentative)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

June 3, 1982.

Walter Magee,
Office of the Secretary.

[S–854–82 Filed 6–4–82; 4:18 p.m.]

BILLING CODE 7590–01–M

Federal Register

Wednesday
June 9, 1982

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Federal Lands Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745 and 746

Federal Lands Program; Surface Coal Mining and Reclamation

April 30, 1982.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is proposing to amend rules governing the Federal Lands Program which set forth the requirements for surface coal mining and reclamation operations on Federal lands. The proposed rule would more clearly delineate the roles of the Federal government and the States in the regulation of surface coal mining and reclamation operations on Federal lands. Under the proposed rule, States would be able to assume greater responsibility for administering the requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201, *et seq.*) while new provisions would be added to set the requirements for review and approval of mining plans by the Secretary.

DATES:

Written comments: Accepted until 5:00 p.m. (eastern time) on July 9, 1982.

Public hearings: Held on request only, in Denver, CO., on July 1, 1982, 9:00 a.m., and in Washington, D.C., on July 2, 1982, 9:00 a.m.

Public meetings: Scheduled on request only.

ADDRESSES:

Written Comments: Hand-deliver to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I–04), Room 5315, 1100 L Street, N.W., Washington, D.C.; or *mail* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I–04), Room 5315L, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

Public hearings: Washington, D.C.—Office of Surface Mining, Room 220, 1951 Constitution Avenue, N.W., and Denver, Colorado—Brooks Tower, 2d Floor Conference Room, 1020 15th Street.

Public meetings: Office of Surface Mining Offices in Washington, D.C. and Denver, Colorado.

FOR FURTHER INFORMATION CONTACT:

Public hearings and information: H. Leonard Richeson, Federal Lands Specialist, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Telephone: (202) 343–5866.

Public meetings: H. Leonard Richeson, (202) 343–5866.

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures.

OSM cannot ensure that comments received after the time specified above under **"DATES"** or delivered during the comment period to locations other than those specified above under **"ADDRESSES"** will be considered and included in the administrative record for the final rulemaking.

If no person indicates an intention to testify at either public hearing location listed above under **"ADDRESSES"** by 5 days before the appropriate hearing date, that hearing will be cancelled.

Individual testimony will be limited to 15 minutes. The hearings will be transcribed. Filing of a written statement prior to or at the time of giving oral testimony would be helpful to the hearing panel and would facilitate the job of the court reporter. After all persons scheduled to speak at the hearing have been heard, persons in the audience who have not been scheduled to speak, but who wish to do so, will be heard. The hearing will end after all persons scheduled to speak and all persons in the audience wishing to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

II. Background

Section 523(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201, *et seq.*, requires the Secretary to promulgate and implement a Federal lands program applicable to all surface coal mining and reclamation operations taking place pursuant to Federal law on Federal lands. Section 523(a) also provides that the Federal lands program must (1) incorporate all of the requirements of the Act, (2) incorporate, at a minimum, the requirements of a State program in a State with a State program approved pursuant to section 503 of the Act, and (3) consider the diverse physical, climatological and other unique characteristics of the Federal lands in question. Under section 523(c) of the Act, a State with an approved State program may enter into a cooperative agreement with the Secretary under which the State would assume responsibility for regulation of surface coal mining and reclamation operations on Federal lands within the State. Sections 523(a) and 523(c) of the Act provide, however, that the Secretary may not delegate to the State, among other things, his responsibilities to approve mining plans on Federal lands and to designate Federal lands unsuitable for surface coal mining pursuant to section 522 of the Act.

The Secretary implemented the initial phase of the Federal lands program on August 22, 1978, by promulgating amendments to 30 CFR Part 211 to incorporate the requirements of Section 523 of the Act. 43 FR 37181. These regulations made applicable to operations on Federal lands performance standards virtually identical to those in OMS's initial program regulations promulgated December 13, 1977. 42 FR 62639. On March 13, 1979, the Secretary promulgated the permanent phase of the Federal lands program, 30 CFR Chapter VII, Subchapter D. 44 FR 15332–15341. On December 31, 1979, in response to a petition by the State of Montana, OSM postponed the effective date of operator compliance with the permanent phase of the Federal lands program until the date of approval of a State program or implementation of a Federal program for a State. 44 FR 77440.

III. Discussion of Proposed Rules.

A. Overview.

The proposed revisions are designed to foster a closer Federal-State partnership in the regulation of surface coal mining on Federal lands and to recognize more fully the proper role of the States as having the primary responsibility for regulation of surface coal mining operations subject to the Act. This is consistent with the intent of Congress that "the primary governmental responsibility for [regulating] surface mining and reclamation operations subject to this Act should rest with the States." SMCRA Section 101(f). The proposed revisions are also designed to streamlined the regulations, to remove burdensome or counter-productive requirements, and to provide editorial clarity.

Two major changes are embodied in the proposed regulations. First, they would provide that upon either approval of a State program or implementation of a Federal program for a State, certain requirements of that program would become applicable to mining on Federal lands within that State. Second, the Secretary's responsibility for approval of mining plans and the permitting process for surface coal mining and reclamation operations on Federal lands

would be revised to allow States greater authority in review and approval of permit applications filed under the Act. States with cooperative agreements approved pursuant to section 523(c) of the Act would be allowed to issue SMCRA permits. These major changes are discussed immediately below. Other changes in the proposed rule are discussed as they apply to specific sections.

1. *Applicability of State and Federal Programs on Federal Lands.* Proposed § 740.11(a) would provide that upon approval of a State program or implementation of a Federal program for a State, that program and Subchapter D would become applicable to coal exploration operations on lands not subject to 30 CFR Part 211 and to surface coal mining and reclamation operations on Federal lands within the State except as specified in Subchapter D. The Federal lands program currently requires operators to comply with the requirements of 30 CFR Chapter VII, rather than with the applicable State or Federal program. Section 523(a) of the Act requires that "[w]here Federal lands in a State with an approved State program are involved, the Federal lands program shall, at a minimum, include the requirements of the approved State program * * *." Section 523(a) also provides that the Federal lands program "shall take into consideration the diverse physical climatological, and other unique characteristics of the Federal lands in question." Congress intended that the Federal lands program would not be uniform for all Federal lands, but would instead be tailored to the specific conditions on different Federal lands. The proposed revisions would accomplish this by incorporating requirements of State programs approved by the Secretary into the Federal lands program for each State since State programs take regional and local conditions into account.

Besides ensuring that the Federal lands program is suited to regional and local conditions, the proposed regulations would foster uniform regulation of mining on Federal lands within a State. Under the proposed regulations, the same performance standards and essentially the same permitting requirements would apply on both Federal and private lands within a State. This should simplify regulatory and compliance problems associated with miles on mixed Federal and private lands.

An approved State program would be applicable, as specified in proposed Subchapter D, to Federal lands within a State whether or not a section 523(c) cooperative agreement is in place. Prior to approval of a cooperative agreement, OSM would act as the regulatory authority and implement applicable portions of the State program on Federal lands. Following approval of a cooperative agreement, the State would act as the regulatory authority.

2. *Permit Application and Mining Plan Review and Approval.* The proposed regulations would revise the process of review and approval of mining plans and permit applications for mining on Federal lands to reflect properly the requirements of section 523(c) of the Act and the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181, *et seq.* (Mineral Leasing Act). Current 30 CFR 740.5 defines "mining plan" to include, among other things, both the mining and reclamation plan required under the Mineral Leasing Act and the permit application required under the Act. *See also* 30 CFR 741.12. Since section 523(c) of the Act prohibits the Secretary from delegating his reponsibility to approve mining plans, and since mining plans currently are defined to include permit applications, the Secretary is prevented from delegating to States with cooperative agreements the responsibility for approving permit applications under SMCRA. This has resulted in duplicative actions by the State regulatory authority and OSM.

The principal change that would be accomplished by the revised regulations is that States with section 523(c) cooperative agreements could assume a largely independent role in the review and approval of permit applications filed under sections 506, 507 and 508 of the Act. States would be authorized under cooperative agreements to assume the responsibility for issuing permits under the Act. *See* proposed § 740.4(c)(1).

The proposed regulations would define a new term, "permit application package," that describes the materials that an operator seeking to conduct surface coal mining and reclamation operations on Federal land must file. As defined in proposed § 740.5, the permit application package would include all information required to be filed by SMCRA (including the SMCRA permit application), Subchapter D, the applicable State or Federal program, any applicable cooperative agreement, and all other applicable laws and regulations, including, with respect to leased Federal coal, the Mineral Leasing Act and its implementing regulations.

Where there is leased Federal coal, the operator would be required to file a resource recovery and protection plan within three years of leasing, even if the operator is not yet prepared to file a complete permit application package. *See* discussion of "Resource Recovery and Protection Plans" in the proposed revisions to 30 CFR Part 211. 46 FR 61424–61425 (December 16, 1981). As noted in the discussion of that proposed rule, where the operator is prepared to submit the complete permit application package (including the resource recovery and protection plan) by the three-year deadline, the permit application package would be submitted to the regulatory authority. Otherwise, a resource recovery and protection plan prepared only to meet the three-year deadline would be submitted to the U.S. Minerals Management Service, while the complete permit application package, including any necessary supplements to the resource recovery and protection plan, would be filed with the regulatory authority when ready.

Prior to approval of a cooperative agreement, the permit application package would be submitted to OSM, since OSM would be the regulatory authority. OSM would have lead responsibility for reviewing the package, consulting with other Federal agencies with respect to their responsibilities and ensuring compliance with NEPA and other applicable Federal laws, regulations and orders. The Minerals Management Service would review the resource recovery and protection plan and provide OSM with its recommendation to the Secretary to approve, conditionally approve or disapprove the resource recovery and protection plan. OSM would then prepare a decision document for the Secretary that recommends approval, conditional approval or disapproval of the mining plan.

Where a cooperative agreement is in place, the permit application package would be submitted to OSM and the State. The State would then assume the lead role in the review of the package, which (at the State's option) may or may not include ensuring consultation with involved Federal agencies, including OSM. In particular, the State would be responsible for review and approval of the SMCRA permit application. OSM would continue to be responsible for ensuring compliance with NEPA and other applicable Federal laws, regulations and orders. Following review of the permit application package and receipt of, among other things, the findings and recommendations of the State on the permit application and of the Minerals Management Service on the resource recovery and protection plan, OSM would prepare a decision document to

assist the Secretary in approving the mining plan. The State could issue the SMCRA permit following completion of its review of the permit application, although actual commencement of mining would have to await Secretarial approval of the mining plan.

Where there is no leased Federal coal, the operator would still submit a permit application package. The package would not, however, include a resource recovery and protection plan, because the Mineral Leasing Act would not apply in the absence of leased Federal coal. OSM would still have the lead responsibility for review where there is no cooperative agreement, while the State could assume this role following approval of a cooperative agreement. Where there is no leased Federal coal, Secretarial approval of a mining plan would not be involved. Mining could commence once consultation had been completed with the Federal land management agency and the permit application had been reviewed and approved by the regulatory authority.

B. Specific Revisions

All references in the current rules to the terms "Regional Director" and "Regional Office" have been replaced in the proposed rules with references to the "Office," to conform to the September 13, 1981, reorganization of OSM which abolished OSM's previous regional structure. All references to "Director" used to describe the heads of OSM and to other Federal agencies have been replaced with references to the "Office" or the specific name of the Federal agency, as appropriate, for simplicity.

OSM solicits public comments on all proposed revisions to these regulations.

Part 700—General

Part 700 of Subchapter A would be revised to conform to proposed revisions to Subchapter D as follows:

Section 700.1 Scope.

Existing § 700.1(d) provides a general description of the applicability of Subchapter D to Federal lands and states that Subchapter D incorporates by reference various other subchapters of Chapter VII including the permit requirements of Subchapter G, the performance bond and insurance requirements of Subchapter J, the performance standards of Subchapter K, the inspection and enforcement requirements of Subchapter L and the blaster certification requirements of Subchapter M. With the exception of Subchapter L, reference to other subchapters that would be incorporated by reference into Subchapter D would be removed and replaced with the phrase "applicable regulatory program." As discussed above under "Applicability of State and Federal Programs on Federal Lands," the proposed rule would incorporate the requirements of a State program or Federal program implemented for a State on lands subject to the requirements of Subchapter D. Proposed § 700.1 would continue to state that Subchapter D incorporates the requirements of Subchapter L, because the inspection, enforcement and civil penalties requirements of Subchapter L would continue to apply where OSM is the regulatory authority for the regulation of surface coal mining and reclamation operations on Federal lands that are subject to the requirements of Subchapter D. Where the State is the regulatory authority under a cooperative agreement, the State would apply its State program requirements to inspection, enforcement and civil penalties on lands subject to the requirements of Subchapter D, while OSM would apply the requirements of Subchapter L in an oversight capacity. This is further discussed below under "Inspection, enforcement and civil penalties."

Section 700.11 Applicability.

Existing § 700.11(g) limits the applicability of Chapter VII to the regulation of coal exploration on Federal lands outside a permit area. This provision would be revised by replacing the phrase "Federal lands outside a permit area" with the phrase "lands not subject to the requirements of 30 CFR Part 211." This change is consistent with the proposed revisions to Subchapter D to apply the coal exploration requirements of Subchapter D to lands not subject to the requirements of 30 CFR Part 211. These lands include lands owned by the Tennessee Valley Authority and lands where the surface is owned by the United States and the coal is owned privately or by a State. Limiting the applicability of Chapter VII to coal exploration operations on lands not subject to 30 CFR Part 211 would eliminate overlap and duplication between the requirements of OSM in Subchapter D and the Minerals Management Service in 30 CFR Part 211. The relationship between the proposed rule and the regulations at 30 CFR Part 211 concerning exploration is discussed under the proposed revisions to Subchapter D.

Part 701—Permanent Regulatory Program

Part 701 of Subchapter A would be revised to conform to proposed revisions to Subchapter D as follows:

Section 701.5 Definitions.

The second sentence of the definition of the term "permit" provides that, for purposes of the Federal lands program, permit means the document issued authorizing surface coal mining and reclamation operations on Federal lands after approval of a mining plan by the Secretary and, where a cooperative agreement has been approved, by the State regulatory authority. This sentence would be revised to conform to the revisions proposed to Subchapter D as follows: "For purposes of the Federal lands program, permit means a permit issued by the State regulatory authority under a cooperative agreement or OSM where there is no cooperative agreement." *See* the discussion of "Permit Application and Mining Plan Review and Approval" above and the discussion of the proposed revised definition of mining plan under 30 CFR 740.5.

Section 701.11 Applicability.

The citation in existing § 701.11(b) to 30 CFR 740.13(a)(3) with respect to conditions which enable operations on Federal lands to continue past eight months from the date of approval of a State program or implementation of a Federal program would be changed to 30 CFR 740.13(a)(3) to reflect the corresponding revisions in proposed Subchapter D.

Part 740—General Requirements for Surface Coal Mining and Reclamation Operations on Federal Lands

Subchapter D would be restructured as follows: (a) Proposed Part 740 would contain the permitting, bonding, inspection, enforcement, civil penalties and performance standards provisions of existing Parts 741, 742, 743 and 744, respectively. Proposed Part 740 would incorporate and supplement the permitting, bonding, inspection, enforcement, civil penalties and performance standards requirements of the applicable State or Federal program. The inspection, enforcement and civil penalties provisions in proposed Part 740 would apply the requirements of 30 CFR Parts 842, 843 and 845 to inspection, enforcement, civil penalties and related activities that are conducted by OSM and the Department with respect to mining on Federal lands; (b) proposed part 745 would provide for State-Federal cooperative agreements under which a

State could assume responsibility for regulation of surface coal mining and reclamation operations on all Federal lands within the State; and (c) a proposed new Part 746 would set forth the requirements for review and approval of mining plans for surface coal mining and reclamation operations on lands with leased Federal coal.

Proposed revised Subchapter D is being published in its entirety for continuity and the convenience of the reader.

Section 740.1 Scope and purpose.

Existing § 740.1 would be revised to eliminate the unnecessary listing in current 30 CFR 740.1 of the areas covered by Subchapter D and to instead provide a more general introductory statement specifying that Subchapter D governs surface coal mining and reclamation operations on Federal lands.

Existing § 740.2 would be removed as unnecessary.

Section 740.4 Responsibilities.

Existing § 740.4 is proposed to be revised and restructured to describe the responsibilities of the Secretary, various Federal agencies and the States for regulating surface coal mining and reclamation operations on Federal lands under SMCRA, the Mineral Leasing Act and other applicable Federal laws, regulations and executive orders. Proposed § 740.4 would describe in particular those responsibilities that may be delegated to a State under a cooperative agreement and those responsibilities that may not be so delegated.

Proposed § 740.4(a) incorporates with some revision the requirements of current 30 CFR 740.4 (a) through (c). The only significant change proposed is incorporated in proposed § 740.4(a)(1). It corresponds to current 30 CFR 740.4(a) and would require Secretarial approval of mining plans only for leased Federal coal. Proposed § 740.5 would define mining plan accordingly. These depart from the current regulations, which require Secretarial approval of mining plans on Federal lands without regard to whether or not the lands contain leased Federal coal. *See* existing 30 CFR 740.4(a) and 745.13(i). OSM believes this proposed revision is consistent with the requirements of both the Act and the Mineral Leasing Act.

Section 523(c) of the Act provides that "[n]othing in this subsection shall be construed as authorizing the Secretary to delegate to the States his duty to approve mining plans on Federal lands * * *." The context in which this provision was drafted and its relevant history indicate that this is a reference to the requirements of the Mineral Leasing Act, which, with respect to coal minerals, applies only to Federally-owned coal. *See* discussion of proposed revised definition of "mining plan" in 30 CFR 740.5 below. Thus, Secretarial action is required only in circumstances involving the production of Federal coal.

Where there is no leased Federal coal, Secretarial action would not be required. The Secretary would retain, however, certain other non-delegable responsibilities with respect to mining on Federal lands with or without Federally-owned coal. For instance, the Secretary would retain his responsibility to designate or to terminate designations of Federal lands both with and without Federal coal as unsuitable for mining. Federal lands without leased Federal coal include National Forests (primarily in the eastern United States) and lands owned by the United States and entrusted to or managed by the Tennessee Valley Authority (TVA). TVA lands are subject to all but two of the Federal lands requirements in SMCRA. *See* section 701(4) of SMCRA. Development of coal on TVA lands does not, however, involve the leasing and mining plan requirements of the Mineral Leasing Act.

Proposed § 740.4(a)(1) would also make clear that mining plan modifications must be approved by the Secretary. These changes are discussed further under the definition of "mining plan" in proposed § 740.5 below.

Proposed § 740.4(b) would specify those responsibilities that must remain with OSM even under a cooperative agreement. Proposed § 740.4(b)(1), which has no counterpart in the current regulations, would reserve to OSM responsibility for preparing and submitting to the Secretary a decision document that recommends approval, conditional approval or disapproval of all mining plans or mining plan modifications. OSM would be responsible for this function even in States with cooperative agreements. Proposed § 740.4(b)(2) would require OSM to ensure compliance with applicable Federal laws, regulations and orders other than SMCRA and the Mineral Leasing Act. Proposed § 740.4(b)(3) would continue the requirement of current 30 CFR 740.4(e) that OSM be responsible for approving experimental practices on Federal lands.

Proposed § 740.4(b)(4), which corresponds to existing § 740.4(g), would reserve to OSM responsibility for overseeing State regulatory authority inspection, enforcement and civil penalty activities with respect to surface coal mining and reclamation operations on Federal lands. Proposed § 740.4(c)(5), on the other hand, would allow the State regulatory authority to assume responsibility for inspection, enforcement and civil penalty activities that would be the responsibility of OSM in the absence of a cooperative agreement. Thus, after a cooperative agreement is approved, the State would enforce its State program (including its own inspection, enforcement and penalty provisions) on Federal lands, while OSM would conduct necessary oversight inspection, enforcement and civil penalty activities pursuant to 30 CFR Parts 842, 843 and 845.

Under proposed § 740.4(b)(5), citizen requests for Federal inspections on Federal lands would be processed in accordance with 30 CFR Parts 842, 843 and 845, which include provisions for citizen involvement in the inspection, enforcement and civil penalty process. *See,* e.g., 30 CFR 842.12 and 842.15. This revision would make clear the process of citizen participation in Federal inspection, enforcement and civil penalty activities on Federal lands.

Proposed § 740.4(b)(6) would require OSM to oversee at State's administration and enforcement of the terms of a cooperative agreement.

Proposed § 740.4(c) would set forth those OSM responsibilities that may be delegated to a State regulatory authority under the terms of a cooperative agreement. Proposed § 740.4(c)(1) would, as discussed above, allow a State with a cooperative agreement to review permit applications and issue permits for surface coal mining and reclamation operations on Federal lands. States could assume similar authority with respect to revisions and renewals of permits and applications for transfer, sale or assignment of permits. The current regulations place all these responsibilities with OSM. *See* existing 30 CFR 740.4(d).

Proposed §§ 740.4(c)(2) and 740.4(c)(3) correspond to the other requirements of current 30 CFR 740.4(d). Proposed § 740.4(c)(2) would continue the requirement of the second sentence of existing 30 CFR 740.4(d) for consultation with Federal land management agencies with respect to special requirements for protection of non-coal resources in areas affected by surface coal mining and assurance of operator compliance with such requirements. Proposed § 740.4(c)(3) would continue the requirement of the last sentence of existing § 740.4(d) that the U.S. Minerals Management Service (formerly the Geological Survey) by consulted concerning the development, production and recovery of coal resources.

Under proposed § 740.4(c)(4), the State regulatory authority could assume the performance bond, Federal lessee protection bond and liability insurance responsibilities currently found in 30 CFR 740.4(f). Proposed § 740.4(c)(4) would provide that, with respect to the Federal lessee protection bond, approval would require the concurrence of the Federal land management agency. Existing 30 CFR 740.4(f) inappropriately provides that, in addition to the Federal lessee protection bond, the Federal land management agency must concur in approval of the performance bond and liability insurance.

Proposed § 740.4(c)(5) would allow the State regulatory authority to be responsible for inspection, enforcement and civil penalties that would otherwise be performed by OSM as the regulatory authority. Where a State assumes this responsibility under a cooperative agreement, OSM would assume an oversight role, as provided in § 740.4(b)(4) of the proposed regulations.

Proposed § 740.4(c)(6) would allow the State regulatory authority to assume the responsibility for review and approval of exploration plans for coal on lands owned by the Tennessee Valley Authority and on Federal lands with underlying private coal. This is because exploration on these lands is not subject to the requirements of 30 CFR Part 211, which govern exploration operations with respect to Federally-owned coal.

Proposed § 740.4(c)(7) would allow the State regulatory authority to assume some responsibility for preparation of documentation in compliance with the National Environmental Policy Act (NEPA). The proposed rule recognizes that where the State prepares NEPA documentation, OSM or the Federal land management agency must (1) furnish guidance and participate in the preparation of NEPA documents and (2) independently evaluate NEPA documents prior to approval or adoption in order to make the ultimate decision on Federal action to be taken on alternatives presented. Under the proposed rule, the State regulatory authority would be authorized, with the assistance of OSM or the Federal land management agency, to prepare NEPA compliance documents (environmental assessments (EA) or (environmental impact statements (EIS)), provided OSM or the Federal land management agency: (1) Determines the scope, content, format and objectivity of NEPA compliance documents; (2) makes the determination whether or not the preparation of an EIS is required; (3) notifies and solicits views of other State and Federal agencies, as appropriate, on the environmental effects of the proposed action; (4) publishes and distributes draft and final NEPA compliance documents; (5) makes policy responses to comments on draft NEPA compliance documents; (6) independently evaluates NEPA compliance documents and (7) adopts NEPA compliance documents and determines Federal actions to be taken on the alternatives presented in NEPA compliance documents.

Proposed § 740.4(d) would identify the responsibilities assigned to the Minerals Management Service. Proposed § 740.4(d)(1) through 740.4(d)(6) would continue the requirements of existing § 740.4(h) and 740.4(i) with minor exceptions, including the replacement of the Geological Survey as the name of the responsible agency, with the Minerals Management Service, to reflect the Secretary of the Interior's Order No. 3071 that established the Minerals Management Service. In addition, proposed § 740.4(d)(2) would refer to coal exploration licenses issued pursuant to 43 CFR Part 3400 (instead of 43 CFR Part 3507) to conform to revisions in those regulations. Proposed §§ 740.4(d)(1) and 740.4(d)(5) would delete references to the permit area, to reflect changes being proposed in 30 CFR Part 211 that would alter responsibilities for exploration on Federal lands. *See* 46 FR 61426 (December 16, 1981). Under proposed § 740.4(d)(4), the Minerals Management Service would be responsible for reviewing the resource recovery and protection plan portion of the permit application package and for recommending to the Secretary approval, conditional approval or disapproval of the resource recovery and protection plan as outlined earlier in this notice. Proposed § 740.4(d)(6) would indicate that the Minerals Management Service is responsible for protecting mineral resources not under lease.

Proposed § 740.4(e) would list the responsibilities of the Bureau of Land Management, which include the issuance of exploration licenses for Federally owned coal (proposed § 740.4(e)(1)); the issuance of leases and licenses to mine pursuant to 43 CFR Part 3400 (proposed § 740.4(e)(2)); and the issuance, readjustment, modification, termination, cancellation, and/or approval of transfers of Federal coal leases required by the Mineral Leasing Act and the Mineral Leasing Act For Acquired Lands (30 U.S.C. 351, *et seq.*) (proposed § 740.4(e)(3)).

Proposed § 740.4(f) would identify specific responsibilities of Federal land management agencies. This would acknowledge the responsibility of Federal land management agencies to make certain decisions regarding surface coal mining and reclamation operations on Federal lands within their jurisdiction. Federal land management agencies would be responsible, under proposed § 740.4(f), for determining post-mining land uses (proposed § 740.4(f)(1)), ensuring protection of other resources not leased (proposed § 740.4(f)(2)), and imposing appropriate conditions on surface coal mining and reclamation operations on lands under their jurisdiction (proposed § 740.4(f)(3)).

Section 740.5 Definitions.

Proposed § 740.5 would delete several terms currently defined in 30 CFR 740.5. Definition of the term "authorized State regulatory authority," which currently refers to a State regulatory authority acting under a cooperative agreement, is proposed for deletion as unnecessary because the term "regulatory authority" would be redefined to mean both OSM acting prior to approval of a cooperative agreement and the State regulatory authority acting afterwards. Definition of the term "mining supervisor" would be deleted because the term is not used in proposed Subchapter D.

"Authorized officer" would be redefined to refer to any person authorized to take official action on behalf of a Federal agency having responsibility relating to Federal lands or minerals. "Cooperative agreement" would be defined as a cooperative agreement approved in accordance with section 523(c) of the Act and 30 CFR Part 745.

The term "surface managing agency" would be replaced in the revised regulations by the term "Federal land management agency." In addition, the definition would be revised to clarify that "Federal land management agency" applies specifically to the agency having jurisdiction over the surface of the Federal lands in question. "Leased Federal coal" would be defined as coal leased pursuant to 43 CFR Part 3400, except for mineral interests in coal on Indian lands. Definition of this term is necessary because the responsibilities of different Federal agencies and the applicability of such laws as the Mineral Leasing Act vary depending upon whether or not leased Federal coal is involved.

Consistent with the proposed revised structure of Subchapter D, the definitions of "Federal lease bond" and "Federal lessee protection bond" would be moved from existing § 742.5 to proposed § 740.5. Thus, all definitions

for Subchapter D would appear in proposed § 740.5. The definition of "Federal lease bond" would be revised consistent with regulations promulgated by the U.S. Bureau of Land Management at 43 CFR 3400 (44 FR 42584 (July 19, 1979)). These regulations replace 43 CFR 3504, which is referenced in existing § 742.5, with 43 CFR 3400.

The definition of "mining plan" would be revised to mean the plan for mining leased Federal coal required by the Mineral Leasing Act. As discussed previously, section 523(c) of SMCRA, which allows a State with an approved State program to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, prohibits the Secretary from delegating to a State the duty to approve mining plans on Federal lands. The term "mining plan" is not defined in SMCRA, but does appear in the Mineral Leasing Act, which provides that:

> After the Secretary has approved the establishment of a logical mining unit, any *mining plan* approved for that unit must require such diligent development, operation, and production that the reserves of the entire unit will be mined within a period established by the Secretary which shall not be more than forty years. 30 U.S.C. 202a(2) (emphasis added).

This provision does not clearly state whether a mining plan may address more than "diligent development, operation and production" of the mineral resource. Section 3 of the Mineral Leasing Act, 30 U.S.C. 203, refers, however, to the "production or mining plan requirements of sections 2(a)(2) and 7(c) of this Act [30 U.S.C. 202a(2) and 207(c)]]". Section 2(a)(2) of the Mineral Leasing Act, as quoted above, refers to a plan for mineral development, operation and production, while section 7(c) requires Federal coal lessees to "submit for the Secretary's approval an operation and reclamation plan."

These three sections of the Mineral Leasing Act, together with section 523(c) of SMCRA, make clear that the Secretary must, at a minimum, approve a "mining plan" that is composed of an "operation and reclamation plan" and, where a logical mining unit is established, a plan for diligent development, operation, and production of the reserves. Still, some confusion in the application of the terms is understandable, because of the ambiguous legislative histories of the 1976 amendments to the Mineral Leasing Act and of SMCRA. In addition, the terms "mining plan" and "mine plan" have been used historically by coal companies to refer to planning documents covering a range of activities, such as resource recovery, overburden handling and mine safety.

It was not until 1976 that the Geological Survey established a definition of "mining plan" under the Mineral Leasing Act. Under their regulations a "mining plan" was defined as:

> A detailed plan for the development of the coal resource submitted to the Mining Supervisor for approval prior to commencement of any mining operation, showing the proposed location, method, and extent of mining and all related activities necessary and incidental to such operation, including steps to be taken to reclaim disturbed areas to mitigate adverse impacts and to otherwise meet the performance standards and requirements set forth in [30 CFR Part 211]. 30 CFR 211.2.

OSM's permanent program regulations, published on March 13, 1979, integrated the Mineral Leasing Act "mining plan" requirements with the SMCRA permit application requirements by defining "mining plan" as follows:

> Mining Plan means a complete mining and reclamation operations plan that complies with the requirements of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181, *et seq.*), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201, *et seq.*), regulations promulgated under those Acts, and all other applicable laws and regulations. At a minimum, the mining plan includes the mining and operations plan required under the Mineral Leasing Act of 1920, as amended, and the matter required under Subchapter D of this Chapter for a permit for surface coal mining and reclamation operations. 30 CFR 740.5.

OSM is now in the process of negotiating cooperative agreements with State regulatory authorities for the regulation of mining on Federal lands and has determined that the existing definition of "mining plan" is inconsistent with Congress' intention, as expressed in sections 101(f) and 523(c) of SMCRA, that the State be the governmental entity primarily responsible for regulating surface mining and reclamation operations subject to SMCRA.

The proposed revised definition of "mining plan" would provide that the mining plan required to be approved by the Secretary is the mining plan required by the Mineral Leasing Act and is distinct from the permit application required by SMCRA. The review, approval or disapproval of permit applications and issuance of surface oral mining and reclamation permits under SMCRA would be delegable to States under section 523(c) of the Act. Under the proposed regulations, the Secretary would carry out the operations aspect of his mining plan approval responsibility through review of the resource recovery and protection plan. The Secretary would fulfill the reclamation portion of his mining plan approval responsibility by the Minerals Management Service's review of the reclamation schedule required as part of the resource recovery and protection plan and through OSM's oversight of State programs and cooperative agreements under SMCRA; through NEPA compliance activities; and through a review to verify that the mining plan is in compliance with any lease terms and conditions. The State regulatory authority would be required to prepare and provide the written findings required by section 510 of the Act and to approve the permit application prior to the Secretary's approval of the plan.

Thus, the proposed rule would reflect the relationship between section 523(c) of the Act and the Mineral Leasing Act. (Section 523(a) of the Act indicates that the Secretary must retain certain other duties under the Mineral Leasing Act, as well as the responsibility for designating Federal lands as unsuitable for mining). By allowing States with approved cooperative agreements to review and approve permit applications submitted pursuant to SMCRA, duplicative responsibilities of the State and OSM would be minimized while providing the Secretary the necessary information for the Federal action of approval of "mining plans" on Federal lands.

The definition of "performance bond" would be added to proposed § 740.5. "Performance bond" would mean the bond for performance defined in the applicable regulatory program.

The proposed new term "permit application package" is treated above in the discussion of "Permit Application and Mining Plan Review and Approval." It refers to the application materials submitted by a person desiring to mine on Federal lands and includes, among other things, the permit application required under SMCRA and, where Federal coal is under lease, the resource recovery and protection plan required under the Mineral Leasing Act.

"Regulatory authority" would be defined as OSM when OSM is administering Subchapter D (as would be the case where there is no cooperative agreement) and the State regulatory authority when the State is administering the requirements of its program on Federal lands under a cooperative agreement. Thus, permits on lands that are subject to the requirements of Subchapter D would be issued by OSM prior to approval of a

cooperative agreement and by the State thereafter.

"TVA-owned land" would be defined as land owned by the United States and entrusted to or managed by the Tennessee Valley Authority.

Other terms used in the proposed rule would have meanings as set forth in 30 CFR Part 211. These include "exploration," "exploration plan," "maximum economic recovery," "method of operation," "mine" and "resource recovery and protection plan."

Section 740.10 Information collection.

Proposed § 740.10 corresponds to the "Note" at the beginning of existing 30 CFR Part 741 only with respect to permits and the "Note" at the beginning of 30 CFR Part 742 with respect to bonds and identifies the OMB approval numbers for the relevant information collection requirements of those Parts. OSM proposes to delete these notes and to codify OMB's new approval of the relevant information collection requirements of existing parts 741 and 742 in proposed § 740.10.

Section 740.11 Applicability.

Proposed § 740.11 would describe when Subchapter D or a regulatory program would be applicable to surface coal mining and reclamation operations on Federal lands within a State.

Proposed § 740.11(a) would provide that upon approval of a regulatory program for a State, Subchapter D and parts of that program would become applicable to (1) coal exploration operations on Federal lands not subject to the requirements of 30 CFR Part 211; and (2) surface coal mining and reclamation operations on lands where either the surface or mineral interests owned by the United States will be directly affected by such operations. This proposal would clarify an ambiguity in the existing regulations pertaining to the location of surface facilities on private or State owned surface that may incidentally overlie Federal minerals, but where no Federal interest will be directly affected by the operation. OSM believes that, because of the State primacy provision under section 503 of the Act, the definition of Federal lands in section 701(4) of the Act should be interpreted as excluding State or privately owned surface overlying federally owned coal where the proposed operation will not directly affect that coal. Thus, where State or private surface would be affected and there would be no direct effect on the Federal coal resource, the regulatory authority would be the State and operations on the affected surface would be subject to the requirements of only the State program. OSM solicits comments as to whether the Federal Lands program should apply to lands containing leased Federal coal whether or not the coal would be affected by the proposed mining operation. Proposed § 740.11(b) would provide that where OSM is administering Subchapter D and applying a State program prior to approval of a cooperative agreement for the State, references in the State program to the State or to officials of the State (with respect to functions of the State regulatory authority) would be construed as references to OSM in order that OSM can effectively administer State program requirements.

Proposed § 740.11(c) would provide that where the Secretary and the State have entered into a cooperative agreement, the cooperative agreement will delineate the responsibilities of the Secretary and the State with respect to administration of the regulatory program and Subchapter D. For example, where te Secretary has entered into a cooperative agreement with a State, the State regulatory authority would assume the primary role for the review and processing of permit applications on Federal lands, subject to the terms of the cooperative agreement. The cooperative agreement, in addition to providing for state processing of permit applications on Federal lands, would specify how the responsibility for administration of the additional requirements of this Subchapter for a permit would be divided between OSM and the State regulatory authority. Although some of the additional requirements are nondelegable, it is possible for the State to perform much of the basic research and analysis required for the Department to determine compliance with such requirements.

Proposed § 740.11(d) would reserve to the Secretary and other Federal agencies the right to condition actions affecting Federal lands within their jurisdiction in accordance with section 702(b) of SMCRA. For example, a decision regarding surface coal mining and reclamation operations may be subject to: (1) Conditions on mining that may have resulted from the review of Federal areas for unsuitability for mining under Subchapter F of this Chapter; (2) terms and conditions or special stipulations of a lease issued pursuant to the Mineral Leasing Act; and (3) any land use plans developed by the Federal land management agency.

Proposed § 740.11(e) would provide that Subchapter D does not apply to surface coal mining and reclamation operations within a state prior to approval of a regulatory program for that State. Prior to such approval, the SMCRA requirements incorporated in 30 CFR Part 211 would apply to surface coal mining and reclamation operations on Federal lands within the State. The Minerals Management Service is promulgating regulations to delete these requirements from 30 CFR Part 211, but only after final promulgation and implementation of revised Subchapter D. *See* 46 FR 61424 (December 16, 1981). OSM will coordinate with the Minerals Management Service on this issue to ensure that no lapse occurs between the deletion of these requirements from 30 CFR Part 211 and the effective date of revised Subchapter D in any State (i.e., the date of approval of a regulatory program for the State).

Section 740.13 Permits.

Proposed § 740.13 would retain and consolidate those requirements of existing Part 741 that are unique to Federal lands and would not be included in a regulatory program. Those portions of existing Part 741 that would have counterparts in a regulatory program would not be repeated in Subchapter D. Persons concerned with the requirements for a permit to conduct surface coal mining and reclamation operations on Federal lands would consult first the applicable regulatory program and then the additional requirements of proposed § 740.13.

Existing §§ 741.1, "Scope," and 741.2, "Objectives," would be removed as unnecessary. Existing § 741.4, "Responsibilities," would be removed because its subject matter is addressed adequately in proposed § 740.4.

Section 740.13(a) General requirements.

Existing § 741.11, "General obligations" corresponds to proposed § 740.13(a), "General requirements."

Existing § 741.11(a), which provides that permit applications be submitted within two months of the effective date of the applicable regulatory program, would be deleted. Because proposed § 740.11(a) would make the requirements of the regulatory program applicable to Federal lands, and because each regulatory program will implement the requirement of section 502(d) of the Act that permanent program permit applications be filed within two months of program approval, this provision would be superfluous.

OSM proposes to delete existing § 741.11(b), which requires that surface coal mining and reclamation operations on intermingled Federal and non-Federal lands be conducted in a manner which would not preclude operator compliance with the performance

standards of 30 CFR Chapter VII, Subchapter K. The intent of this requirement is to protect Federal lands from surface coal mining activities on private lands where an operation involves both Federal and private ownerships. The proposed rule would ensure this protection by applying the performance standards of the same regulatory program to both Federal and non-Federal lands.

Proposed § 740.13(a)(1) would provide that no person shall conduct surface coal mining and reclamation operations on Federal lands unless that person has first obtained a permit issued pursuant to the regulatory program; thus, operators proposing to conduct surface coal mining and reclamation operations on Federal lands would comply with the permitting requirements of both the applicable regulatory program and proposed Part 740. The requirements of proposed Part 740 would supplement the regulatory program by specifying those additional requirements that are unique to Federal lands and outside of the scope of the regulatory program.

Proposed § 740.13(a)(2) would retain with minor revisions the requirements of existing § 741.11(d) which provides that the permittee shall conduct operations in accordance with all requirements of the permit and lease or license, Subchapter D and all other applicable State and Federal laws.

Existing § 741.11(c) provides for surface coal mining and reclamation operations on Federal lands to continue past the eight-month period established by existing § 741.11(a) where the operations are being conducted under a mining plan approved by the Secretary in accordance with the Act and 30 CFR Part 211. With revisions, this section would be retained as proposed § 740.13(a)(3), although the cross-reference to existing § 741.11(a) would be changed to "the applicable regulatory program." The permitting requirements of the applicable regulatory program would implement the requirement of section 506(a) of the Act that unpermitted surface coal mining operations not continue beyond eight months after the approval of a State or Federal program.

Existing § 741.12, "Relation of permit to mining plan," would be removed because it is inconsistent with the proposed revisions. *See* the discussion of "Permit and Mining Plan Review and Approval" above. The Secretary intends to delegate to States with cooperative agreements full authority for review and issuance of permit required under the Act, as the Congress intended. The Secretary would retain, however, responsibility to decide independently whether surface coal mining and reclamation operations can occur on Federal lands in accordance with applicable Federal laws.

Section 740.13(b) Permit application package.

Existing § 741.13 would be renumbered as proposed § 740.13(b) and revised by adding the word "package" to the title in order to clarify that the material submitted by an operator proposing to conduct surface coal mining and reclamation operations on Federal lands would include in addition to the documentation required for a SMCRA permit submitted pursuant to the applicable regulatory program, the documentation and information necessary to determine compliance with all requirements for mining on Federal lands. The material submitted by an operator for a permit to conduct surface coal mining and reclamation operations on Federal land is commonly called a "mining plan" by industry and governmental officials. The term "permit application package" as proposed in this rule would refer to the same material, but would more precisely describe what the operator must actually submit to the regulatory authority.

Existing § 741.13(a) would be redesignated as proposed § 740.13(b)(1) and revised to provide that permit fees on Federal lands shall be determined in accordance with the permit fee criteria of the applicable regulatory program, consistent with the overall changes proposed for this Subchapter. Section 507(a) of the Act requires that an application for a permit be accompanied by a fee as determined by the regulatory authority, but which shall not exceed the actual or anticipated cost of reviewing, administering, and enforcing the permit. Existing § 741.13(a) requires the Director of OSM to establish a fee schedule for permit applications on Federal lands. After considering several alternatives for establishing the fee schedule, OSM proposes that the fee for permit applications on Federal lands correspond with the fees established by the applicable regulatory program. This would provide uniformity in the fees required on Federal and non-Federal lands in the State.

Proposed § 740.13(b)(2) would incorporate and continue the requirement of existing § 741.13(b) that the applicant file at least seven copies of the complete permit application with the regulatory authority. The word "package" would be added to the term "permit application."

Proposed § 740.13(b)(3) (i) and (ii) would require that the permit application package include (1) the information required for a permit application under the applicable regulatory program, and (2) the resource recovery and protection plan required under 30 CFR Part 211, unless previously submitted to the Minerals Management Service. In addition, proposed § 740.13(b)(3)(iii) would require that the permit application package contain supplementary information as required under proposed § 746.12 that will assist in determining compliance with Federal laws other than SMCRA, regulations and executive orders as they relate to surface coal mining and reclamation operations on lands subject to proposed Part 740.

Providing that the permit application package include the permit application required by the applicable regulatory program is consistent with the intent of this proposed rule to apply the substantive and procedural requirements of the applicable regulatory program on Federal lands.

The resource recovery and protection plan would be included in the permit application package for reasons discussed earlier under "Permit Application and Mining Plan Review and Approval."

Although much of the information necessary to determine compliance with Federal laws and regulations (other than SMCRA) may be gleaned from the permit application, proposed § 740.13(b)(3)(iii) would require information that is not otherwise available. This section would clarify that there are other requirements for mining on Federal lands that must be complied with before surface coal mining and reclamation operations may be conducted on Federal lands.

Existing § 741.13(c) (1) and (2), which describe the required contents of a permit application, would be deleted, since equivalent provisions would be contained in the applicable regulatory program.

Existing § 741.13(c)(3), concerning Federal lessee protection, would be redesignated as proposed § 740.13(b)(4) and rephrased to eliminate language that appears elsewhere in Subchapter D. No change in effect is intended, other than to clarify that, as discussed earlier, this section does not apply to TVA-owned lands. *See* section 701(4) of the Act.

Existing § 741.14, which addresses the permitting requirements for special operations, would be removed because similar requirements would be included in each regulatory program.

Existing §§ 741.15(a), (b)(1), (b)(3) and (b)(4) under "Permit terms" would be removed because similar requirements

would be included in each regulatory program.

Section 740.13(c) Permit review and processing.

Proposed § 740.13(c) would provide that the permit processing requirements of the applicable regulatory program would be used to process permits on Federal lands subject to the additional requirements as specified under proposed § 740.13(c)(1) through 740.13(c)(10).

Proposed § 740.13(c)(1), "Permit terms and conditions," would provide that any requirements of other Federal laws and regulations, including the Mineral Leasing Act, must be reflected in the terms and conditions for permits. Thus, this section would continue the requirement of existing § 741.15(b)(2) that no extension of a permit term may be granted if the effect of that extension would be to extend the term of a Federal coal lease beyond the period allowed for diligent development under that lease and Section 7 of the Mineral Leasing Act.

Existing § 741.16, which requires permits to reflect local and regional conditions, would be removed. This purpose would be accomplished by incorporation of State or Federal programs into the Federal lands program. Each State or Federal program is mandated by the Act to take regional and local conditions into account.

Proposed § 740.13(c)(2), "Criteria for permit approval or denial," corresponds with existing § 741.17. The introductory paragraph of existing § 741.17, which requires that the Director make the written findings required by 30 CFR Part 786 regarding permit applications, would be removed, as would existing § 741.17(b), which requires that the applicant satisfy all applicable requirements for approval of permits under 30 CFR Part 786. In each case, similar provisions would be included in the applicable regulatory program. Existing § 741.17(a) would be removed because the proposed rule would not require that the Secretary approve the mining plan prior to approval of the permit application. *See* above discussion of "Permit Application and Mining Plan Review and Approval." Commencement of actual mining on Federal lands would not be allowed, however, until the Secretary has approved the mining plan.

Existing § 741.17(c), which requires the Director and the State regulatory authority to concur in permit approval where there is a State-Federal cooperative agreement, would be removed as superfluous. The cooperative agreement would contain specific terms for any consultation on permit application packages between the State regulatory authority and the Office. Existing § 741.17(d), which requires that prior to permit approval the applicant comply with all applicable Federal laws, including but not limited to, the Mineral Leasing Act, the Federal Land Policy and Management Act and regulations adopted under those Acts, would be revised under proposed § 740.13(c)(2) to read: "The regulatory authority shall not approve an application for a permit, revision or renewal thereof for surface coal mining and reclamation operations on lands subject to this Part unless the application is in accordance with the requirements of the applicable regulatory program and this Part." The effect of the proposed provision would be to ensure that all Federal laws and regulations applicable to permit approval have been complied with and to allow the processing of permits as an action that is separate from the approval of mining plans by the Secretary. Under existing § 741.17(b), a prerequisite for permit approval is compliance with the Mineral Leasing Act, which requires, among other things, approval of the mining plan by the Secretary.

Proposed § 740.13(c)(3), "Public participation in permit review process," would preserve and revise existing § 741.18 with respect to requirements concerning matters covered in hearings held pursuant to the MLA. Proposed § 740.13(c)(3) would provide that the matters covered by such hearings need not be readdressed and may be made a part of the record of hearings held on the permit application. The reference to the public participation provisions in 30 CFR 786.11 through 786.15 would be removed because corresponding and adequate provisions for public participation would be contained in the applicable regulatory program as mandated by the Act.

Proposed § 740.13(c)(4), "Availability of information," would retain the requirements of existing § 741.19(a)(2) that information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552(b)) shall be held in confidence by the Office in accordance with 43 CFR Part 2. The remainder of existing § 741.19 would be removed since similar requirements would be included in the applicable regulatory program.

Proposed § 740.13(c)(5), "Permit review processing for operations on National Forest System lands," would retain, with minor revisions, the requirements of existing § 741.20. No change in effect is intended.

Proposed § 740.13(c)(6), "Consultation with other Federal agencies," would retain, with minor editorial revision, the requirement of existing § 741.21(a)(1) that any decisions on permits issued for operations on Federal lands be made after consultation with the Federal land management agency or the Minerals Management Service, as applicable. The remainder of existing § 741.21(a) (1) and (2), which concern the review of permit applications, would be removed because similar requirements would be included in the applicable regulatory program.

Proposed § 740.13(c)(7), "Permit processing schedule," would revise existing § 741.21(a)(3) by adopting the time schedule for processing permit applications which is included in the applicable regulatory program. Proposed § 740.13(c)(7) would recognize, however, that with respect to permit applications for mining on Federal lands, it may not always be possible to meet the specific time schedules of those programs due to the numerous other Federal laws and regulations with which the Department must comply. Thus, this provision would allow, where necessary, a reasonable extension of the schedule.

Existing § 741.21(a)(4), "Issuance of decision," would be deleted because similar requirements would be included in the regulatory program.

Proposed § 740.13(c)(8), "Determination of operator compliance with the Act," would retain the requirement of existing § 741.21(b) that OSM determine whether the operator is in violation of laws and regulations pertaining to air or water environmental protection prior to issuance of a permit. While OSM realizes that equivalent provisions are contained in the regulatory program as mandated by the Act, OSM is proposing to retain this specific requirement primarily to make clear that, where OSM is the regulatory authority, OSM determinations made pursuant to this provision are subject to Federal rather than State administrative appeals.

For reasons similar to those noted in the discussion of proposed § 740.13(c)(8) above, proposed § 740.13(c)(9), "Administrative review of decisions on permit applications," would be retained from existing § 741.21(a)(5) as a requirement of this Part for permit decisions by OSM on Federal lands.

Proposed § 740.13(c)(10), "Bonds and insurance required for issuance of permits," would continue, with minor revisions, the requirements of existing § 741.22 that a performance bond, proof of liability insurance and, where required, a Federal lessee protection bond must be filed with the Office.

Existing § 741.23, "Renewal of permits," provides for successive renewal of permits for areas within the boundaries of an existing permit, provided such renewals do not extend beyond the period allowed for diligent development under the Mineral Leasing Act. OSM proposes to revove this section because provisions for renewal of permits would be included in the applicable regulatory program, while compliance with all of the requirements of the Mineral Leasing Act would be ensured elsewhere in this proposed rule. *See* proposed § 740.13(c)(1).

Existing § 741.21 (a) through (c), which concern the review of approved permits and of permit revisions, would be removed because counterpart provisions would be found in each regulatory program.

Section 740.13(d) Review of permit revisions.

Proposed § 740.13(d), "Review of permit revisions," would revise existing § 741.24(d) to provide that, where the State is the regulatory authority, it shall inform OSM of each request for a permit revision. OSM would review any permit revision in consultation with the Minerals Management Service and the Federal land management agency, as appropriate, to determine whether, under the criteria in proposed § 746.18, the revision constitutes a "mining plan modification" requiring Secretarial approval.

Section 740.13(e) Transfer, assignment or sale of rights.

Existing § 741.25(a) would be deleted because a counterpart provision would be found in each regulatory program. Also deleted would be existing § 741.25(d), which requires that the Director shall authorize the Regional Director to grant the application if he or she approves the transfer, sale or assignment. This provision is inconsistent with OSM's reorganization, as discussed earlier in this notice. Proposed § 740.13(e), "Transfer, assignment or sale of rights," would continue, with minor editorial revisions, the requirements of (1) existing § 741.25(c) for consultation with other Federal agencies concerning actions on permit applications, and (2) existing § 741.25(e) that approval of a transfer, assignment or sale of rights granted under a permit shall not be construed to constitute a transfer or assignment of leasehold interests.

Section 740.13(f) Suspension or revocation of permits.

Proposed § 740.13(f), "Suspension or revocation of permits," would continue, with minor editorial revisions, the requirements of existing § 741.26 with regard to the suspension or revocation of permits. The word "suspension" would be added to the title to more precisely reflect its subject.

Section 740.15 Bonds on Federal lands.

Those portions of existing Part 742 that would be included in any regulatory program would be removed. Retained from existing Part 742 and incorporated under proposed § 740.15 would be those requirements of existing Part 742 that are unique to Federal lands. Persons concerned with the requirements for bonding on Federal lands would consult first the applicable regulatory program, and then the additional requirements of proposed § 740.15.

Existing Part 742 would be renumbered as proposed § 740.15 and the term "liability insurance" would be deleted from the existing title. Requirements for liability insurance would be included in the regulatory program.

Existing § 742.1 would be removed as unnecessary.

Existing § 742.4 would be removed as superfluous. The Office clearly is responsible for carrying out the requirements of proposed § 740.15 unless otherwise specified in the cooperative agreement.

The definitions of "Federal lease bond" and "Federal lessee protection bond" would be moved to proposed § 740.5.

Section 740.15(a) Federal lease bonds.

OSM would delete the first sentence of existing § 742.11(a), which states that "[A]ll operators on any Federal lease shall have a Federal lease bond." This is already a requirement of 43 CFR Part 3474, and OSM proposes not to duplicate that requirement in these regulations. In addition, the reference to 43 CFR Part 3504 in existing § 742.11(a) would be changed in proposed § 740.15(a) to 43 CFR Part 3474 to reflect the current regulations governing lease bonds for Federally leased coal. With minor editorial revisions, the remainder of existing § 742.11(a) and all of existing § 742.11(b) would be retained under proposed § 740.15(a). Existing § 742.11(c) would be removed because the Bureau of Land Management, in promulgating its regulations at 43 CFR Part 3400 (44 FR 42609, July 19, 1979), removed the requirement of 43 CFR Part 3500 that a lease bond include a performance bond.

Section 740.15(b) Performance bonds.

Existing § 742.12(a), which provides that persons conducting surface coal mining and reclamation operations on Federal lands shall comply with the performance bond requirements of 30 CFR Parts 800–808, would be removed because the regulatory program would contain a similar requirement.

Existing § 742.12(b) would be renumbered as proposed § 740.15(b) and revised to provide that the performance bond required for operations on Federal lands shall be payable to the United States and, where a cooperative agreement is in force, the State. Thus, in the absence of a cooperative agreement, the performance bond would be payable only to the United States, but, where the Department and the State have entered into a cooperative agreement, the performance bond would be payable to both the United States and the State. The Office considered proposing that the performance bond be payable only to the State where the State is the regulatory authority under a cooperative agreement, but rejected this option because of the need to ensure that Federal lands are protected should the cooperative agreement be terminated.

Section 740.15(c) Federal lessee protection bonds.

Proposed § 740.15(c) would continue the provisions of existing § 742.13; no change in effect is intended.

Existing §§ 742.14, 742.15, 742.16, 742.17, and 742.19 would be removed since similar requirements would be included in the applicable regulatory program.

Section 740.15(d) Release of bonds.

Proposed § 740.15(d) (1), (2) and (3) would retain the provisions of existing § 742.18 (a), (c), and (d). Section 742.18(b) would be removed because similar requirements would be included in each regulatory program.

Section 740.17 Inspection, enforcement and civil penalties.

The requirements of existing Part 743 with respect to inspection, enforcement and civil penalties on Federal land would be revised and incorporated under proposed §740.17.

Existing §§ 743.1, "Scope," and 743.2, "Objective," would be removed as unnecessary. Existing § 743.4, "Responsibilities," also would be removed as unnecessary because responsibilities for inspection, enforcement and civil penalties on Federal lands would be adequately described under proposed § 740.4.

Section 740.17(a) General requirements.

Existing § 743.11 would be retitled "General requirements" and

renumbered as proposed § 740.17(a). Proposed § 740.17(a)(1) would provide that, where OSM is the regulatory authority, 30 CFR Parts 840, 842, 843 and 845 shall govern inspection, enforcement and civil penalties activities with respect to surface coal mining and reclamation operations on lands subject to Subchapter D, rather than the requirements of the applicable regulatory program. This is a departure from the overall thrust of the revisions proposed to Subchapter D, which is to apply uniform substantive and procedural requirements on both Federal and non-Federal lands. OSM believes that utilization of its own inspection, enforcement and civil penalties provisions, which are familiar to its inspection and enforcement staff, is more appropriate than using different State inspection, enforcement and civil penalties provisions in each State.

Proposed § 740.17(a)(2) would provide that, where the State is the regulatory authority under a cooperative agreement, the State program shall govern inspection, enforcement and civil penalties by the regulatory authority with respect to surface coal mining and reclamation operations on lands subject to Subchapter D, while OSM would utilize the requirements of 30 CFR Parts 840, 842, 843 and 845 in its oversight role.

Proposed § 740.17(a)(3) would limit OSM's inspection, enforcement and civil penalty authority with respect to exploration on Federal lands to lands not covered by 30 CFR Part 211. These lands include lands with underlying non-leased Federal coal and lands owned by the Tennessee Valley Authority. This would eliminate overlap and duplication between the requirements of OSM in 30 CFR Part 740 and the requirements of the Minerals Management Service in 30 CFR Part 211. Revision being proposed to 30 CFR Part 211 would contain specific requirements for the conduct of inspection, enforcement and civil penalty activities with respect to exploration on Federal lands and would encompass the requirements of both the Mineral Leasing Act and SMCRA. The Office proposes, therefore, not to assert overlaping authority of its own in this area. The requirements of proposed § 740.17 would, however, be fully applicable to exploration operations on lands where only the surface is Federally owned and to lands owned by the Tennessee Valley Authority.

Section 740.17(b) Right of entry.

Existing §§ 743.11 (a), (b) and (c), with minor revisions, would be continued under proposed § 740.17(b), entitled "Right of entry," and renumbered as proposed § 740.17(b) (1), (2) and (3).

Section 740.17(c) Inspections.

The first sentence of existing § 743.12(a), which requires that inspections be conducted under 30 CFR Parts 840 and 842 would be deleted because this provision is provided for under proposed § 740.17(a). With revisions, the remaining portion of existing § 743.12(a) would be incorporated into proposed § 740.17(c). Proposed § 740.17(c) would also incorporate the requirements of the first sentence of existing § 743.12(b)(1) with respect to coordination by the Office on inspections by Federal agencies. The remaining portion of existing § 743.12(b)(1) would be deleted as unnecessary.

Existing § 743.12(b)(2) would be deleted because similar requirements would be included in 30 CFR Part 840 with respect to inspections by the Office and the State regulatory program with respect to inspections by the State regulatory authority under a cooperative agreement.

Existing § 743.13 would be removed because the requirements of this section are provided for under proposed § 740.17(a).

Section 740.19 Performance standards.

Those portions of existing Part 744 that would be included in any regulatory program would be removed. Proposed § 740.19, entitled "Performance standards," would retain those requirements of existing Part 744 that are unique to Federal lands. Persons concerned with performance standards for surface coal mining and reclamation operations on Federal land should consult first the applicable regulatory program, and then the additional requirements of proposed § 740.19.

Existing § 744.1, "Scope," would be removed as unnecessary.

Existing § 744.11, which concerns performance standards for exploration, would be removed because the Department's regulations at 30 CFR Part 211 would provide performance standards for exploration on Federal lands subject to the requirements of the Mineral Leasing Act and performance standards for exploration on other Federal lands would be included in the applicable regulatory program.

Section 740.19(a) Operations and reclamations.

Proposed § 740.19(a)(1) would require surface coal mining and reclamation operations on Federal lands to comply with the performance standards of the applicable regulatory program, rather than with the performance standards of 30 CFR Chapter VII, Subchapter K, as is required by existing § 744.12(a). Thus, a single set of performance standards would be applicable both on and off Federal lands, and operators of mines containing mixed Federal and non-Federal lands would no longer be required to comply with two different sets of performance standards.

Proposed § 740.19(a)(2) would require, as does existing § 744.12(a), compliance with the terms, conditions and stipulations of the lease and approved mining plan.

Existing § 744.12(b) would be removed as unnecessary.

Existing § 744.13(a), which concerns temporary abandonment of operations, would be removed because similar provisions would be included in each regulatory program.

Section 740.19(b) Completion of operations and abandonment.

Existing § 744.13(b), which describes the requirements for permanent abandonment of coal exploration and surface coal mining and reclamation operations, would also be removed. The Department's regulations at 30 CFR Part 211 cover abandonment of exploration activities on Federal lands containing leased Federal coal. Abandonment of exploration activities on other Federal lands would be subject to the requirements of the applicable regulatory program.

Proposed § 740.19(b)(1) would provide that upon completion of surface coal mining and reclamation operations, bonds shall be released in accordance with 30 CFR 740.15(d).

With minor editorial revisions, existing § 744.13(c)(2), which concerns the notice of abandonment, would be renumbered as proposed § 740.19(b)(2) and revised to apply only to the release of a Federal lease bond.

Existing § 744.13(d) would be removed because the requirements of this section would be provided under proposed § 740.15(d).

Existing § 744.13(e) would be deleted because each regulatory program would contain a counterpart requirement.

Part 745—State-Federal Cooperative Agreements

Section 745.1 Scope.

Existing § 745.1 would be retained with minor revisions for clarity.

Existing §§ 745.2, "Objectives," and 745.4, "Responsibilities," would be removed as unnecessary.

Section 745.10 Information collection.

Proposed § 745.10, corresponds with the "Note" at the beginning of existing Part 745, which identifies the OMB approval number for the information collection requirements of this Part. OSM proposes to delete this "Note" and codify OMB's approval of the information collection requirements of proposed Part 745 in proposed § 745.10.

Section 745.11 Application and agreement.

Proposed § 745.11(a) would replace the phrase "which are being conducted under the terms of a Federal lease" in existing § 745.11(a) with the phrase "on Federal lands." This change is proposed to make clear that cooperative agreements apply to all Federal lands, not just lands with leased Federal coal.

OSM proposes to remove existing § 745.11(b)(1) through (6), which concern specific information that must be submitted in a State's request for a cooperative agreement, and replace them with proposed § 745.11(b)(1). These subsections would be deleted because the same information can usually be obtained from the State program submitted to the Office by the State for approval of its State program or from information available elsewhere in the Department. Moreover, proposed § 745.11(b)(1) would provide a direct correlation between information needed to support an application for a cooperative agreement and the findings required under proposed § 745.11(f) through cross-referencing that section. With minor revisions for clarity, existing § 745.11(b)(7) and (8) would be redesignated as proposed § 745.11(b)(2) and (3); no change in effect is intended.

Existing § 745.11(c) would be revised to eliminate the requirement that the text of each proposed cooperative agreement be published in the exact terms submitted by the State as a proposed rule in the **Federal Register.**. Proposed § 745.11(c) would allow publication of either the text as submitted by the State or of a subsequent version resulting from discussions between OSM and the State. The requirement that a notice of the request and a summary of the terms of the proposed agreement be published in newspapers in the State would be continued.

Existing § 741.11(c)(1), which requires that the date, time and place of the public hearing be included in the proposed rule, would be moved to the end of proposed § 745.11(d) and revised to require this information to be published not later than 15 days prior to the date of the hearing. The reason for the proposed revision is the difficulty of establishing a precise date and location for the hearing at the time the proposed rule is developed. Existing § 745.11(c)(2) would be redesignated as proposed § 745.11(c)(1); no change in effect is intended. Existing § 745.11(c)(3) would be redesignated as proposed § 745.11(c)(2) and revised to reduce the period for the public to submit written comments on the State's request for a cooperative agreement from 60 to 30 days following its publication in the **Federal Register** as a proposed rule. This would greatly expedite the rulemaking process for adoption of cooperative agreements. OSM believes this will still provide an adequate opportunity for public comment, especially because OSM has received few comments on past proposed cooperative agreements. Existing § 745.11(d) would be revised to eliminate the requirement that public hearings on the State's request for a cooperative agreement be held not less than 30 days after publication of the proposed rule announcing such request. Instead, proposed § 745.11(d) would require that a public hearing be held within the comment period and that notice of such hearing be published in the **Federal Register** not less than 15 days prior to the date of the hearing. Such notice would, therefore, be required at least 15 days prior to the close of the comment period.

Existing § 745.11 (e) through (g) would be retained with minor editorial revisions.

Section 745.12 Terms.

The proposed rule would revise existing § 745.12(a) by deleting the phrase "and describing each applicable provision of the State's applicable statutes, regulations and policies" because in practice it has been found cumbersome and unproductive to describe these provisions in detail. An assessment of these provisions is required as part of OSM's State program approval process and need not be repeated in the cooperative agreement. However, any part of the State program not applicable on Federal lands would be identified in the cooperative agreement. Existing § 745.12(b) is proposed to be revised by inserting the phrase "but not limited to" after the word "including" in order to clarify that the description of the powers and authority reserved by the Secretary under 30 CFR 745.13 is not exhaustive.

OSM proposes to redesignate existing § 745.12(c) as proposed § 745.12(d) with minor editorial revisions. Proposed § 745.12(c) would require that the cooperative agreement specify how the requiremets of Subchapter D would be applied to surface coal mining and reclamation operations on Federal lands to minimize overlap and duplication. Under proposed § 745.12(c), the cooperative agreement would specify which requirements in Subchapter D may be assumed by the State, which are reserved to the Department and which may be administered jointly. The Secretary intends to allow States to assume full administrative responsibility for delegable requirements. Further, the Secretary believes that States can and should be relied upon to assist in carrying out non-delegable responsibilities. For example, States cannot assume responsibility for ensuring compliance with the National Environmental Policy Act, but the supporting environmental documents and analyses may be prepared jointly. *See* 40 CFR 1506.2. The Secretary believes that certain other non-delegable requirements of this Subchapter may be complied with through joint participation by the State and the Department.

Existing § 745.12(d) and (e) would be redesignated as proposed § 745.12(e) and (f), respectively; no changes in their effects are intended.

Existing § 745.12(f), which provides that the cooperative agreement establish the amount of and collection procedures for permit application fees on Federal lands, would be removed. This provision would be superfluous, since the permit fee requirements of the State regulatory program would be applicable on Federal lands under proposed § 740.15.

Proposed § 745.12(g)(1) would require that under the cooperative agreement the State regulatory authority must make available to the Office informaiton on any action taken regarding a permit application for surface coal mining and reclamation operations on Federal lands. Access to any documentation and information concerning the permit application will enable the Office to ensure compliance with all legal and procedural requirements. Proposed § 745.12(g)(2) would require that each cooperative agreement obligate the State regulatory authority to prvoide to the Office, at a minimum, a written finding indicating that a permit application is in compliance with the terms of the State program and a technical analysis of the permit applciation that will assist the Office in meeting its responsibilities under the National Environmental Policy Act and other applicable Federal laws and regulations. OSM would prescribe the content and format for the information needed to satisfy the requirements of proposed section 745(g)(2) in order to

establish a degree of uniformity among the various States with cooperative agreements. The addition of proposed § 745.12(g)(2) would formalize a provision which has been included in the terms of all cooperative agreements either already approved or currently being negotiated pursuant to the permanent program regulations. These agreements now require that the State regulatory authority, upon completion of its review of a permit application, provide OSM with documentation to assist OSM in meeting its non-delegation responsibilites under NEPA and other Federal laws and regulations.

Section 745.13 Authority reserved to the Secretary.

The listing of requirements that are specifically reserved to the Secretary under existing § 745.13 would be revised and expanded. New requirements include (1) evaluating the State's administration and enforcement of the State program and implementation of the cooperative agreement on Federal lands; (2) insuring compliance with the National Historic Preservation Act; and (3) complying with the inspection, enforcement and civil penalty requirements of 30 CFR Parts 842 and 843 except as provided under proposed § 740.4(c)(5) of this Subchapter.

Sections 745.14, 745.15 and 745.16.

With minor editorial revisions, existing §§ 745.14, 745.15 and 745.16 would be retained.

Part 746—Review and Approval of Mining Plans

Proposed Part 746, which has no counterpart in existing regulations, would set forth the requirements for review and approval of mining plans.

Section 746.1 Scope.

Proposed § 746.1 would describe the coverage of these regulations and describe the requirements for review and approval, disapproval or conditional approval of mining plans on Federal lands containing leased Federal coal.

Section 746.10 Information collection.

Proposed § 746.10 corresponds to the "Note" at the beginning of existing 30 CFR Part 741 only with respect to mining plans and identifies the OMB approval number for the relevant information collection requirements of that Part. OSM proposes to delete the "Note" and to codify OMB's new approval of the information collection requirements of existing Part 741 as it relates to mining plans in proposed § 746.10.

Section 746.11 General requirements.

Proposed § 746.11(a) would provide that surface coal mining and reclamation operations on Federal lands containing leased Federal coal would require approval of a mining plan by the Secretary. While the processing of a permit may be undertaken as a separate action by the regulatory authority, the Secretary must decide whether surface coal mining can occur on Federal lands before mining may commence.

Proposed § 746.11(b) would require that mining on Federal lands containing leased Federal coal be conducted under an approved permit that is issued in accordance with Subchapter D and that is consistent with an approved mining plan. Where there is a cooperative agreement, the State regulatory authority could fully process a permit application in accordance with its program and, if it approves the application, issue the permit. Issuance of the permit in this circumstance would be based on the requirements of the State program and any requirements of this Subchapter that have been delegated to the State. Thus, permit issuance would be separate from approval of the mining plan by the Secretary. It is possible, though unlikely, that although the State regulatory authority has concluded that mining could be conducted within the requirements of its regulatory program, the Secretary could determine that mining cannot occur because of applicable Federal laws and regulations other than SMCRA (e.g., the National Environmental Policy Act or the Mineral Leasing Act) and therefore disapprove the mining plan. However, because of the close coordination and continuous communication that is necessary to properly implement the terms of a cooperative agreement, OSM would expect few instances of disagreement on decisions regarding mining proposals.

Section 746.12 Supplementary information.

Proposed § 746.12(a) would describe the supplementary information that would be required to be included in a permit application package in order that the Secretary can ensure compliance with Federal laws, regulations and orders other than SMCRA as they relate to surface coal mining and reclamation operations on lands that are subject to the requirements of proposed Part 746. While OSM expects that most of the information needed to determine compliance with Federal laws, regulations and orders other than the Act can be gleaned from the permit application, the information that would be required under proposed § 746.12 would usually not be included. Requiring this information will expedite action on the mining plan.

Section 746.12(b) would provide that the State regulatory authority consult with OSM to determine the level of detail required for the requirements of proposed § 746.12(a).

Section 746.13 Decision document and recommendation on mining plan.

Proposed § 746.13 would provide for the preparation of a decision document by the Office to be submitted to the Secretary recommending approval, disapproval or conditional approval of the mining plan. Proposed § 746.13 would set forth the elements on which the decision document would be based, including, but not limited to, the permit application package, which includes the resource recovery and protection plan required by 30 CFR Part 211; information prepared in compliance with the National Environmental Policy Act; documentation assuring compliance with Federal laws, regulations and executive orders other than SMCRA; comments and recommendations or concurrences of other Federal agencies; comments of the public; the findings and recommendations of the Minerals Management Service regarding compliance with the resource recovery and protection plan and other requirements of the Mineral Leasing Act and the lease; the findings and recommendations of the regulatory authority with respect to the permit application and the operator's compliance with the Act and the State program; and the findings and recommendation of the Office with respect to the additonal requirements of this Subchapter.

Section 746.14 Approval of mining plan.

Proposed § 746.14 would require the Secretary to approve, disapprove, or conditionally approve the mining plan.

Section 746.17 Terms of approval.

Proposed § 746.17(a) would specify that each mining plan approval shall cover the operations for which a complete permit application package was submitted, unless otherwise indicated in the approval.

Proposed § 746.17(b) would specify that modification, cancellation or withdrawal of a mining plan could render it ineffective. Proposed § 746.17(b) would also specify that the approved mining plan would be binding on any person conducting mining and reclamation operations under its provisions.

Section 746.18 Mining plan modification.

Proposed § 746.18 would require that modifications to mining plans be approved by the Secretary and that such modifications be processed in accordance with proposed Part 746.

Proposed § 746.18(c) would provide that permit revisions that meet any of the criteria listed constitute a "mining plan modification" that requires Secretarial approval. The permit and related analyses are utilized to support the Secretary's decision to approve a mining plan and thus a revision to a permit might alter the basis for the Secretary's mining plan approval. Certain revisions to SMCRA permits might not, however, alter the basis for mining plan approval. Proposed § 746.18(c) is intended to make clear that it is only where a permit revision affects the basis for mining plan approval that Secretarial approval of the revision would be required.

IV. Procedural Matters

National Environmental Policy Act. Pursuant to section 702(d) of the Act, 30 U.S.C. 1292(d), this rule is part of the Secretary's implementation of the Federal lands program and, therefore OSM is not required to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

Federal Paperwork reduction Act. The information collection requirements in existing 30 CFR Parts 741, 742 and 745 were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned clearance numbers 1029–0026, 1029–0027 and 1029–0028. This approval was identified in "notes" at the introduction to 30 CFR Parts 741, 742 and 745. OSM would delete those "notes" and codify the OMB approvals under proposed §§ 740.10, 745.10 and 746.10. OSM is requesting OMB approval of the information collection requirements being proposed for the following sections and will codify the OMB approvals when the final rules are promulgated: 30 CFR 740.13(b), 740.13(c)(8), 740.13(e), 740.15(a), 740.15(c)(1), 740.15(d)(2), 740.15(d)(3) and 746.12.

The information required by 30 CFR Parts 740, 745 and 746 will be used by the Office in the implementation of the Federal lands program required under section 523(a) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1273(a). The information required by proposed 30 CFR Parts 740, 745 and 746 is mandatory.

Executive Order 12291 and Regulatory Flexibility Act. The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act

List of Subjects

30 CFR Part 700

Administration practice and procedure, Coal mining, Surface mining, Underground mining, Reporting requirements.

30 CFR Part 701

Coal mining, Law enforcement, Surface mining, Underground mining.

30 CFR Part 740

Coal mining, Public lands, Mineral resources, Reporting requirements, Surface mining.

30 CFR Part 745

Coal mining, Intergovernmental relations, Public lands, Mineral resources, Reporting requirements, Surface mining, Underground mining.

30 CFR Part 746

Coal mining, Mining plan, Public lands, Mineral resources, Reporting requirements, Surface mining, Underground mining.

Accordingly, 30 CFR Parts 700, 701, 740, 741, 742, 744 and 745 are proposed to be amended and a new Part 746 added as follows:

Dated: May 13, 1982.

Daniel N. Miller, Jr.

Assistant Secretary, Energy and Minerals.

PART 700—GENERAL

1. Section 700.1(d) is revised to read as follows:

§ 700.1 Scope.

* * * * *

(d) Subchapter D identifies the procedures that apply to surface coal mining and reclamation operations conducted on Federal lands rather than State or private lands and incorporates by reference the applicable regulatory program and the inspection and enforcement requirements of Subchapter L.

* * * * *

2. Section 700.11(g) is revised to read as follows:

§ 700.11 Applicability.

* * * * *

(g) Coal exploration on lands subject to the requirements of 30 CFR Part 211.

PART 701—PERMANENT REGULATORY PROGRAM

3. In § 701.5, the definition for "Permit" is revised to read as follows:

§ 701.5 Definitions.

* * * * *

Permit means a permit to conduct surface coal mining and reclamation operations issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program. For purposes of the Federal lands program, permit means a permit issued by the State regulatory authority under a cooperative agreement or the Office where there is no cooperative agreement."

* * * * *

4. Section 701.11(b) is revised to read as follows:

§ 701.11 Applicability.

* * * * *

(b) Any person who conducts surface coal mining and reclamation operations on Federal lands on and after 8 months from the date of approval of a State program or implementation of a Federal program for the State in which the Federal lands are located shall have a permit issued pursuant to 30 CFR Part 740. However, under conditions specified in § 740.13(a)(3), a person may continue such operations under a mining plan previously approved pursuant to 30 CFR Part 211 after 8 months after the date of approval of a State program or implementation of a Federal program.

* * * * *

5. Part 740 is revised to read as follows:

PART 740—GENERAL REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS ON FEDERAL LANDS

Sec.

740.1 Scope and purpose.
740.4 Responsibilities.
740.5 Definitions.
740.10 Information collection.
740.11 Applicability.
740.13 Permits.
740.15 Bonds on Federal lands.
740.17 Inspection, enforcement and civil penalties.
740.19 Performance standards.

Authority: 30 U.S.C. 1201 *et seq.* and 30 U.S.C. 181 *et seq.*

§ 740.1 Scope and purpose.

This Subchapter provides for the regulation of surface coal mining and reclamation operations on Federal lands.

§ 740.4 Responsibilities.

(a) The Secretary is responsible for:

(1) Approval, disapproval or conditional approval of mining plans with respect to leased Federal coal and of modifications thereto, in accordance with the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.;*

(2) Execution, modification or termination of State-Federal cooperative agreements in accordance with 30 CFR 745; and

(3) Designation of areas of Federal lands as unsuitable for all or certain types of surface coal mining and reclamation operations, or termination of such designations, in accordance with 30 CFR Part 769.

(b) The Office is responsible for:

(1) Providing a decision document recommending to the Secretary approval, disapproval or conditional approval of mining plans and of modifications thereto;

(2) Compliance with applicable Federal laws, regulations and orders other than the Act, including the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, with respect to surface coal mining and reclamation operations on Federal lands containing leased Federal coal and on Federal lands where there is no cooperative agreement;

(3) Approval of experimental practices on Federal lands;

(4) Inspection, enforcement and civil penalties with respect to surface coal mining and reclamation operations on Federal lands except as provided in § 740.4(c)(5);

(5) Processing citizen complaints on Federal lands in accordance with 30 CFR Parts 842, 843 and 845; and

(6) Overseeing the State regulatory authority's administration and enforcement of the State program on Federal lands pursuant to the terms of any cooperative agreement.

(c) The following responsibilities of the Office may be delegated to a State regulatory authority under a cooperative agreement:

(1) Review and approval, conditional approval or disapproval of permit applications for surface coal mining and reclamation operations on Federal lands, revisions or renewals thereof, and applications for the transfer, sale or assignment of such permits;

(2) Consultation with and obtaining the consent of the Federal land management agency with respect to special requirements designed to protect non-coal resources of the areas affected by surface coal mining and reclamation operations and to assure operator compliance with such special requirements;

(3) Consultation with and obtaining the consent of the Minerals Management Service with respect to requirements relating to the development, production and recovery of mineral resources on lands affected by surface coal mining and reclamation operations involving leased Federal coal pursuant to 43 CFR Part 3400;

(4) Approval of performance bonds, liability insurance and, as applicable, Federal lessee protection bonds required for surface coal mining and reclamation operations on Federal lands. Approval of Federal lessee protection bonds requires the concurrence of the authorized representative of the Federal land management agency;

(5) Inspection, enforcement and civil penalties for which the Office is responsible when it is the regulatory authority with respect to (i) exploration on lands not subject to 30 CFR 211 and (ii) surface coal mining and reclamation operations on Federal lands;

(6) Review and approval of exploration operations for coal on TVA-owned lands and on Federal lands with underlying private coal; and

(7) Preparation of documentation to comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), provided that the Office or the Federal land management agency:

(i) Determines the scope, content and format and ensures objectivity of NEPA compliance documents;

(ii) Makes the determination of whether or not the preparation of an environmental impact statement is required;

(iii) Notifies and solicits views of other State and Federal agencies, as appropriate, on the environmental effects of the proposal action;

(iv) Publishes and distributes draft and final NEPA compliance documents;

(v) Makes policy responses to comments on draft NEPA compliance documents;

(iv) Independently evaluates NEPA compliance documents; and

(vii) Adopts NEPA compliance documents and determines Federal actions to be taken on alternatives presented in such documents.

(d) The Minerals Management Service is responsible for:

(1) Receiving and approving exploration plans pursuant to 30 CFR Part 211;

(2) Inspection, enforcement and civil penalties with respect to the terms and conditions of coal exploration licenses issued pursuant to 43 CFR Part 3400;

(3) Inspection, enforcement and civil penalties with respect to the terms and conditions of exploration plans approved pursuant to 30 CFR Part 211;

(4) Reviewing the resource recovery and protection plan and modifications thereto, as required by 30 CFR Part 211 and recommending to the Secretary approval, disapproval or conditional approval of the resource recovery and protection plan;

(5) Inspection, enforcement and civil penalties with respect to the recovery and protection of the coal resource as required by 30 CFR Part 211; and

(6) Protecting mineral resources not included in the coal lease.

(e) The Bureau of Land Management is responsible for:

(1) Issuance of exploration licenses for unleased Federal coal subject to the requirements of 43 CFR Part 3400;

(2) Issuance of leases and licenses to mine Federal coal subject to the requirements of 43 CFR Part 3400; and

(3) Issuance, readjustment, modification, termination, cancellation, and/or approval of transfers of Federal coal leases pursuant to the Mineral Leasing Act and the Mineral Leasing Act for Acquired Lands, as amended, 30 U.S.C. 351 *et seq.*

(f) The Federal land management agency is responsible for:

(1) Determining and recommending to the Secretary post-mining land uses;

(2) Protection of non-mineral resources; and

(3) Requiring such conditions as may be appropriate to regulate surface coal mining and reclamation operations on lands under its jurisdiction in accordance with other provisions of law applicable to such lands.

§ 740.5 Definitions.

(a) As used in this Subchapter, the term:

Authorized officer means any person authorized to take official action on behalf of a Federal agency that has administrative jurisdiction over Federal lands.

Coal lease means a Federal coal lease or license issued by the Bureau of Land Management pursuant to the Mineral Leasing Act and the Federal Acquired Lands Leasing Act (30 U.S.C. 351 *et seq.).*

Cooperative agreement means a cooperative agreement entered into in accordance with section 523(c) of the Act and 30 CFR Part 745.

Federal land management agency means a Federal agency having administrative jurisdiction over the surface of Federal lands that are affected by these regulations.

Federal lease bond means the bond or equivalent security required by 43 CFR

Part 3474 to assure compliance with the terms and conditions of a Federal coal lease.

Federal lessee protection bond means a bond payable to the United States for use and benefit of a permittee of lessee which is authorized under Federal laws other than SMCRA to secure payment of any damages to crops or tangible improvements of Federal lands, pursuant to section 715 of the Act.

Lease terms, conditions and stipulations means all of the standard provisions of a Federal coal lease, including provisions relating to leasee duration, fees, rentals, royalties, lease bond, production and recordkeeping requirements, and lessee rights of assignment, extension, renewal, termination and expiration; and site-specific requirements included in Federal coal leases in addition to other terms and conditions which relate to protection of the environment and of human, natural and mineral resources.

Leased Federal coal means coal leased by the United States pursuant to 43 CFR Part 3400, except mineral interests in coal on Indian lands.

Mineral Leasing Act or *MLA* means the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181, *et seq.*

Mining plan means the plan for mining leased Federal coal required by the Mineral Leasing Act.

Performance bond means the bond for performance defined in the applicable regulatory program.

Permit application package means a proposal to conduct surface coal mining and reclamation operations on Federal lands, including an application for a permit, permit revision or permit renewal, all the information required by the Act, this Subchapter, the applicable State program, any applicable cooperative agreement and all other applicable laws and regulations including, with respect to leased Federal coal, the Mineral Leasing Act and its implementing regulations.

Regulatory authority means the State regulatory authority pursuant to a cooperative agreement approved under 30 CFR Part 745 or, in the absence of a cooperative agreement, the Office.

TVA-owned lands means land owned by the United States and entrusted to or managed by the Tennessee Valley Authority.

(b) The following terms shall have meanings as set forth in 30 CFR Part 211: exploration; exploration plan; maximum economic recovery; method of operation; mine; and resource recovery and protection plan.

§ 740.10 Information collection.

The information collection requirements contained in this Part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1029–0026 and 1029–0027. The information is being collected to determine compliance with sections 506, 507, 509, 510, 515 and 523 of the Act (30 U.S.C. 1256, 1257, 1259, 1260, 1265 and 1273) and this Part. The obligation to respond to the information collection requirements of this Part is mandatory.

§ 740.11 Applicability.

(a) Upon approval or promulgation of a regulatory program for a State, that program and this Subchapter shall apply to coal exploration operations on lands not subject to the requirements of 30 CFR Part 211 and to surface coal mining and reclamation operations on lands where either the surface or mineral interests owned by the United States will be directly affected by such operations except as specified in this Subchapter.

(b) Where the Office is the regulatory authority, references in the State program to the State or an agency or official of the State (with respect to functions of the State acting as regulatory authority) shall be construed as referring to the Office.

(c) Where the Secretary and a State have entered into a cooperative agreement, the cooperative agreement shall delineate the responsibilities of the Secretary and the State with respect to the administration of the provisions of this Subchapter.

(d) Nothing in this Subchater shall affect in any way the authority of the Secretary or any Federal land management agency to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface coal mining and reclamation operations under provisions of law other than SMCRA on land under their jurisdiction.

(e) This Subchapter shall not apply to surface coal mining and reclamation operations within a State prior to approval or promulgation of a regulatory program for the State.

§ 740.13 Permits.

(a) *General requirements.* (1) No person shall conduct surface coal mining and reclamation operations on lands subject to this Part unless that person has first obtained a permit issued pursuant to the regulatory program and this Part.

(2) Every person conducting surface coal mining and reclamation operations on lands subject to this Part shall comply with the terms and conditions of the permit and the lease or license, the Act, this Subchapter, the regulatory program and all other applicable State and Federal laws and regulations.

(3) Surface coal mining and reclamation operations approved under the interim program by the Secretary in accordance with the Act and 30 CFR Part 211 may be conducted beyond the eight-month period prescribed in the applicable regulatory program if all of the following conditions are present:

(i) A timely and administratively complete application for a permit to conduct those operations under this Part has been made to the regulatory authority in accordance with the provisions of the Act, this Part and the applicable regulatory program;

(ii) The regulatory authority has not yet rendered a final decision with respect to the permit application; and

(iii) Those operations are conducted in compliance with all terms and conditions of the Secretary's approval and the requirements of the Act, 30 CFR Part 211, State law and regulations applicable through an approved cooperative agreement, and the requirements of the applicable lease or license.

(b) *Permit application package.* (1) Each application for a permit or revision or renewal thereof to conduct surface coal mining and reclamation operations on lands subject to this Part shall be accompanied by a fee made payable to the regulatory authority. The amount of the fee shall be determined in accordance with the permit fee criteria of the applicable regulatory program.

(2) Seven copies of the complete permit application package shall be filed with the regulatory authority.

(3) Each permit application package shall include:

(i) The information required for a permit application or an application for revision or renewal of a permit under the applicable regulatory program;

(ii) The resource recovery and protection plan required by 30 CFR Part 211, unless previously submitted to the Minerals Management Service; and

(iii) Supplementary information as required under 30 CFR Part 746.12.

(4) Where the surface of the Federal lands is subject to a lease or permit issued by the Federal Government to a person other than the application, the permit application package shall contain information sufficient to demonstrate compliance with the requirements of 30 CFR 740.15(c)(1). This requirement shall not apply to TVA-owned lands.

(c) *Permit review and processing.* Applications for permits, permit

revisions of renewals thereof to conduct surface coal mining and reclamation operations on lands subject to this Part shall be reviewed and processed in accordance with the requirements of the applicable regulatory program, subject to the following additional requirements:

(1) *Permit terms and conditions.* Permits shall inlcude, as applicable, terms and conditions required by the lease issued pursuant to the Mineral Leasing Act and by other applicable Federal laws and regulations.

(2) *Criteria for permit approval or denial.* The regulatory authority shall not approve an application for a permit, revision or renewal thereof for surface coal mining and reclamation operations on lands subject to this Part unless the application is in accordance with the requirements of the applicable regulatory program and this Part.

(3) *Public participation in permit review process.* Where public hearings were held and determinations made under section 2(a)(3) (A), (B) and (C) of the Mineral Leasing Act (30 U.S.C. 201(a)(3) (A), (B) and (C)), such hearings may be made a part of the record of each public hearing on a permit application held pursuant to the requirements of the applicable regulatory program and this Part. Matters covered at such hearings and determinations made at such hearings need not be readdressed.

(4) *Availability of information.* Information in a permit application package that is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552(b)) shall be held in confidence by the Office in accordance with 43 Part CFR 2.

(5) *Permit review processing for operations on National Forest System lands.* Upon receipt of a permit application package or a proposed revision or renewal of an approved permit that involves surface coal mining and reclamation operations within lands administered by the National Forest Service, the regulatory authority shall transmit a copy of the complete permit application package, or proposed revision or renewal thereof, to the National Forest Service, with a request for review.

(6) *Consultation with other Federal agencies.* Prior to approving or disapproving a permit, revision or renewal thereof, the regulatory authority shall consult with the authorized officer of the Federal land management agency and the Minerals Management Service, as appropriate.

(7) *Permit processing schedule.* The regulatory authority shall process the permit application package within the time schedule established by the applicable regulatory program, except that the schedule may be extended if necessary to ensure compliance with other Federal laws and regulations other than the Act.

(8) *Determination of operator compliance with the Act.* (i) Where the Office is the regulatory authority and it determines from the permit application package or from other available information that any surface coal mining and reclamation operation owned or controlled by the applicant is currently in violation of any air or water environmental law or regulation of the United States, or of any air or water environmental State law or regulation enacted pursuant to Federal laws or regulations, the Office will require the applicant, before the issuance of the permit, to either—

(A) Submit proof to the Office, department, or agency which has jurisdiction over such violation, that the violation has been corrected or is in the process of being corrected; or

(B) Establish to the satisfaction of the Office that the applicant has filed and is presently pursuing, in good faith, an administrative or judicial appeal to contest the validity of that violation.

(ii) If the administrative or judicial hearing authority either denies a stay applied for in the appeal pursuant to paragraph (c)[8)(i)(B) of this section or affirms the violation, then any surface coal mining operations being conducted under a permit issued according to this section shall be immediately terminated, unless and until the provisions of paragraph (c)(8)(i)(A) of this section are satisfied.

(iii) If, where the Office is the regulatory authority, the Office determines that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violation of the Act of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act, the Office shall not issue a permit to the applicant. Prior to making a final determination the Office shall afford the applicant or operator an opportunity for an adjudicatory hearing on the determination as provided for in 43 CFR Part 4.

(9) *Administrative review of decisions on permit applications.* Where the Office is the regulatory authority, the final decision on a permit application is subject to an appeal to the Department's Office of Hearings and Appeals as provided in 30 CFR Part 787.

(10) *Bond and insurance required for issuance of permits.* After the approval of an application for a new or revised permit or for renewal of an existing permit, but prior to issuance of such permit, the applicant/permittee shall file with the regulatory authority: (i) A performance bond which meets the requirements of the applicable regulatory program; (ii) proof of liability insurance in accordance with the applicable regulatory program; and (iii) where required, evidence of the execution of a Federal lessee protection bond. Bonds required to be filed with the Office shall be in a form required by the Office and made payable to the United States.

(d) *Review of permit revisions.* (1) Where the State is the regulatory authority for surface coal mining and reclamation operations on lands subject to this Part, it shall inform the Office of each request for a permit revision.

(2) The Office shall review each permit revision in consultation with the Minerals Management Service and the appropriate Federal land management agency to determine whether the permit revision constitutes a mining plan modification requiring the Secretary's approval under 30 CFR 746.18.

(e) *Transfer, assignment or sale of rights.* (1) The regulatory authority, before approving or disapproving an application for transfer, assignment or sale of rights granted under a permit issued pursuant to this Subchapter, shall obtain the written concurrence of the Federal land management agency and the Minerals Management Service, as applicable.

(2) Approval of a transfer, assignment or sale of rights granted under a permit issued pursuant to this Subchapter shall not be construed to constitute a transfer or assigment of leasehold interests. Leasehold interests may be transferred or assigned only in accordance with 43 CFR Part 3506.

(f) *Suspension or revocation of permits.* (1) A permit to conduct surface coal mining and reclamation operations on Federal lands may be suspended or revoked by the regulatory authority in accordance with 30 CFR Part 843 or the regulatory program.

(2) If a permit to conduct surface coal mining and reclamation operations on Federal lands is suspended or revoked, the regulatory authority shall notify the U.S. Bureau of Land Management so that the Bureau of Land Management can determine whether action should be taken to cancel the Federal lease.

§ 740.15 Bonds on Federal lands.

(a) *Federal lease bonds.* (1) Each holder of a Federal coal lease that is covered by a Federal lease bond

required under 43 CFR Part 3474 may apply to the authorized officer for release of liability for that portion of the Federal lease bond that covers reclamation requirements.

(2) The authorized officer may release the liability for that portion of the Federal lease bond that covers reclamation requirements if:

(i) The lessee has secured a suitable performance bond covering the permit area under this Part;

(ii) There are no pending actions or unresolved claims against existing bonds; and

(iii) The authorized officer has received concurrence from the Office and the Minerals Management Service.

(b) *Performance bonds.* Performance bonds required for operations on Federal lands shall be made payable to the United States and, where a cooperative agreement is in force, the State.

(c) *Federal lessee protection bonds.* (1) Where leased Federal coal is to be mined and the surface of the land is subject to a lease or permit issued by the United States for purposes other than surface coal mining, the applicant for a mining permit, if unable to obtain the written consent of the permittee or lessee of the surface to enter and commence surface coal mining operations, shall submit to the regulatory authority with his application evidence of execution of a bond or undertaking which meets the requirements of this section. The Federal lessee protection bond is in addition to the performance bond required by a regulatory program.

(2) The bond shall be payable to the United States and, as applicable, the State for the use and benefit of the permittee or lessee of the surface lands involved.

(3) The bond shall secure payment to the surface estate for any damage which the surface coal mining and reclamation operation causes to the crops or tangible improvements of the permittee or lessee of the surface lands.

(4) The amount of the bond shall be determined either by the applicant and the Federal lessee or permittee or as determined in an action brought against the person conducting surface coal mining and reclamation operations in a court of competent jurisdiction.

(d) *Release of bonds.* (1) A Federal lease bond may be released by the authorized officer upon satisfactory relcamation of a mine and after the release is concurred in by the Office and the Minerals Management Service.

(2) When the surface of the lands in a lease, permit or license is not owned by the United States, the regulatory authority shall notify the surface owner and take into account the surface owner's comments before releasing the performance bond.

(3) A Federal lessee protection bond shall be released upon the written consent of the permittee or lessee.

§ 740.17 Inspection, enforcement and civil penalties.

(a) *General requirements.* (1) Where OSM is the regulatory authority, 30 CFR Parts 840, 842, 843 and 845 shall govern its inspection, enforcement and civil penalities activities with respect to surface coal mining and reclamation operations on Federal lands.

(2) Where the State is the regulatory authority under a cooperative agreement, the State program shall govern inspection, enforcement and civil penalties activities by the regulatory authority with respect to surface coal mining and reclamation operations on Federal lands, while the requirements of 30 CFR Parts 842, 843 and 845 shall govern OSM inspection, enforcement and civil penalties activities conducted in oversight of the State program.

(3) The requirements of this section shall not apply to coal exploration on Federal lands subject to the requirements of 30 CFR Part 211.

(b) *Right of entry.* (1) Persons engaging in coal exploration or surface coal mining an reclamation operations on Federal lands shall provide access for any authorized officer of the regulatory authority, and as applicable, the Minerals Mangement Service or the Federal land management agency to inspect the operations, without advance notice or a search warrant and upon presentation of appropriate credentials, to determine whether the operations are in compliance with all applicable laws, regulations, notices and orders, and terms and conditions of the permit.

(2) Any authorized representative of the State regulatory authority and, as applicable, the Minerals Management Service may, at reasonable times and without delay, have access to and copy any records and inspect any monitoring equipment or method of operation required under the Act, this Subchapter and the permit, lease, license or mining plan in accordance with paragraph (a) of this section.

(3) No search warrant shall be required with respect to any activity under paragraph (a) or (b) of this section, except entry into a building without consent of the person in control of the building.

(c) *Inspections.* Inspections shall, to the extent practical, be conducted jointly if more than one government agency is involved. The regulatory authority shall coordinate inspections by Federal agencies and may request the participation of representatives from other Federal agencies when necessary to ensure compliance with this Subchapter and other applicable Federal laws, regulations and orders.

§ 740.19 Performance standards.

(a) *Operations and reclamation.* (1) Surface coal mining and reclamation operations on lands subject to this Part shall be conducted in accordance with the performance standards of the applicable regulatory program.

(2) Surface coal mining and reclamation operations on lands containing leased Federal coal shall be conducted in accordance with the requirements of the terms, conditions and stipulations of the lease issued under the Mineral Leasing Act, as applicable, and the mining plan.

(b) *Completion of operations and abandonment.* (1) Upon completion of operations, bonds shall be released in accordance with 3 CFR 740.15(d).

(2) Where there is a Federal lease bond:

(i) Not less than 30 days prior to permanent cessation or abandonment of surface coal mining and reclamation operations, the person conducting those operations shall submit to the Office, in duplicate, a notice of intention to cease or abandon those operations, with a statement of the number of acres affected by the operations, the extent and kind of reclamation accomplished and the structures and other facilities that are to be removed from or remain on the permit area.

(ii) Upon receipt of this notice, the Office, the Minerals Management Service and the Federal Land Management Agency shall promptly make joint inspections to determine whether all operations have been completed in accordance with the requirements of this Subchapter, the permit, the lease or licenses and the mining plan. Where all of these requirements have been complied with, the liability under the lease bond of the person conducting surface coal mining and reclamation operations shall be terminated.

6. Part 745 is revised to read as follows:

PART 745—STATE-FEDERAL COOPERATIVE AGREEMENTS

Sec.

745.1 Scope.
745.10 Information collection.
745.11 Application and agreement.
745.12 Terms.
745.13 Authority reserved by the Secretary.

Sec.

745.14 Amendments.
745.15 Termination.
745.16 Reinstatement.

Authority: 30 U.S.C. 1201 *et seq.* and 30 U.S.C. 181 *et seq.*

§ 745.1 Scope.

This Part sets forth requirements for the development, approval and administration of cooperative agreements under section 523(c) of the Act.

§ 745.10 Information collection.

The information collection requirements contained in this Part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0028. The information is being collected pursuant to section 523(c) of the Act (30 U.S.C. 1273(c)) and will be used to support a State's request for a State-Federal cooperative agreement or an amendment, termination or reinstatement thereto. The obligation to respond to the information collection requirements of this Part is mandatory.

§745.11 Application and agreement.

(a) The Governor of any State may request that the Secretary enter into a cooperative agreement with the State, provided the State has an approved State program or has submitted a program for approval under 30 CFR Part 731, and has or will have within the State surface coal mining and reclamation operations on Federal Lands.

(b) A request for a cooperative agreement shall be submitted in writing and, except to the extent previously submitted in the State program, shall include the following information:

(1) Information sufficient for the Office to make findings in accordance with 30 CFR 745.11(f);

(2) A proposed agreement consistent with the requirements of this Part; and

(3) A certification by the Attorney General or the chief legal officer of the State regulatory authority that no State statutory, regulatory or legal constraint exists which would preclude the State regulatory authority from fully carrying out the proposed cooperative agreement.

(c) The Office shall publish a notice of the request and the full text of the terms of the proposed cooperative agreement as submitted or subsequently modified by the Office and the State in the **Federal Register** as a proposed rule. A notice of the request and a summary of the terms of the proposed agreement shall also be published in a newspaper(s) of general circulation throughout the State. Both notices shall include:

(1) The location at which a copy of the request submitted by the State may be obtained; and

(2) A date, not less than 30 days after publication of the notices, within which members of the public may submit written comments on the request and the person to who comments should be addressed.

(d) A public hearing shall be held within the comment period in a suitable location in the State requesting the cooperative agreement. This hearing may be combined with public hearings required under 30 CFR Part 732 for the Secretary's consideration of approval of a State program submission, if appropriate. The date, time and place of the public hearing(s) on the request will be published in the **Federal Register** not less than 15 days prior to the date of the hearing.

(e) Before the expiration of the comment period, the Office shall consult with the Minerals Management Service, Fish and Wildlife Service and Federal land management agencies, as appropriate, with respect to the proposed cooperative agreement.

(f) The Office shall recommend to the Secretary that a cooperative agreement be entered into with a State, if the Office finds that:

(1) The State has an approved State program:

(2) The State regulatory authority has sufficient budget, equipment and personnel to enforce fully its regulatory program on lands subject to this Part in the State; and

(3) The State has the legal authority to enter into the cooperative agreement.

(g) The Secretary shall publish in the **Federal Register** his decision with respect to a request by a State to enter into a cooperative agreement and the reasons therefor and the full text of the cooperative agreement.

§ 745.12 Terms.

Each cooperative agreement shall include:

(a) Terms obligating the State regulatory authority to inspect all surface coal mining and reclamation operations on Federal lands in accordance with the State regulatory program and to enforce the State program on Federal lands;

(b) A description of the powers and authority reserved by the Secretary, including, but not limited to, those specified under 30 CFR 745.13;

(c) Provisions for the administration and enforcement by the Office or the State of this Subchapter so as to minimize overlap and duplication;

(d) Provisions for regular reports by the State regulatory authority to the Office on the results of the State's implementation and administration of the cooperative agreement;

(e) Terms requiring the State regulatory authority to maintain sufficient personnel and facilities to comply with the terms of the cooperative agreement, and to notify the Office of any substantial change in State statutes, regulations, funding, staff, or other changes which would affect the State's ability to carry out the terms of the cooperative agreement;

(f) Terms for coordination among the State regulatory authority, the Federal land management agency, the Minerals Management Service and the Office.;

(g) Terms obligating the State regulatory authority to—

(1) Make available to the Office information on any action taken regarding any permit application for surface coal mining and reclamation operations on Federal lands; and

(2) Provide the Office, in the form specified by the Office, with written findings indicating that each permit application is in compliance with the terms of the regulatory program and a technical analysis of each permit application to assist the Office in meeting its responsibilities under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*, and other applicable Federal laws and regulations.

§ 745.13 Authority reserved by the Secretary.

The Secretary shall not delegate to any State, nor shall any cooperative agreement under this Part be construed to delegate to any State, authority to—

(a) Designate Federal lands as unsuitable for surface coal mining under Subchapter F of this Chapter or terminate such designations;

(b) Comply with the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.;*

(c) Develop land use management plans for Federal lands;

(d) Regulate non-coal mining activities on Federal lands;

(e) Determine when, where, and how to lease Federal coal and how much to lease;

(f) Develop terms for Federal coal leases, including special terms relating to mining and reclamation procedures;

(g) Evaluate Federal coal resources;

(h) Establish royalties, rents, and bonuses charged in connection with Federal coal leases:

(i) Approve mining plan or modifications thereto;

(j) Enforce Federal lease terms, including diligent development and

maximum economic recovery requirements;

(k) Approve or determine post-mining land uses for Federal lands;

(l) Release Federal lease bonds;

(m) Ensure compliance with the consultation requirements of section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536).

(n) Evaluate the State's administration and enforcement of the approved State program and implementation of the cooperative agreement on Federal lands;

(o) Ensure compliance with the section 106 requiremetns of the National Historic Preservation Act of 1966, U.S.C. 470 *et seq.*

(p) Comply with the inspection, enforcement and civil penalties requirements of 30 CFR Part 842 and 843 except as provided under § 740.4(c)(5) of this Subchapter.

§ 745.14 Amendments.

A cooperative agreement which has been approved pursuant to 30 CFR 745.11 may be amended by mutual agreement of the Secretary and the Governor of a State. Amendments shall be adopted by Federal rulemaking, in accordance with 30 CFR 745.11.

§ 745.15 Termination.

(a) A cooperative agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the cooperative agreement shall be terminated. The date of termination shall not be less than 90 days from the date of the notice.

(b) A cooperative agreement may be terminated by the Secretary after giving notice to the State regulatory authority and affording the State regulatory authority and the public an opportunity for a public hearing and comment period, in accordance with the cooperative agreement, if the Secretary finds that:

(1) The State regulatory authority has substantially failed to comply with the requirements of this Subchapter, the State program, or the cooperative agreement; or

(2) The State regulatory authority has failed to comply with any undertaking by the State in the cooperative agreement upon which approval of the State program, cooperative agreement, or grant by the Office for administration or enforcement of the State program or cooperative agreement was based.

(c) A cooperative agreement shall terminate—

(1) When no longer authorized by Federal law or the applicable State laws and regulations; or

(2) Upon termination or withdrawal of the Secretary's approval of the applicable State program.

§ 745.16 Reinstatement.

(a) A State may apply for reinstatement of the cooperative agreement by providing written evidence to the Office that the State has remedied all defects for which the agreement was terminated and is fully capable of carrying out the cooperative agreement. Any reinstatement shall be by Federal rulemaking in accordance with 30 CFR 745.11.

(b) The Office may recommend approval of the reinstatement to the Secretary if it finds that the State meets the requirements for the initial approval of a cooperative agreement under this Subchapter.

(c) The Secretary may approve reinstatement of a cooperative agreement if the Secretary concurs in findings of the Office which recommended that approval.

7. Part 746 is added to Subchapter D to read as follows:

PART 746—REVIEW AND APPROVAL OF MINING PLANS

Sec.

746.1 Scope.
746.10 Information collection.
746.11 General requirements.
746.12 Supplemental information.
746.13 Decision document and recommendation of mining plan.
746.14 Approval of mining plan.
746.17 Term of approval.
746.18 Modification of approved mining plans.

Authority: 30 U.S.C. 1201 *et seq.* and 30 U.S.C. 181 *et seq.*

§ 746.1 Scope.

This Part provides the process and requirements for the review and approval, disapproval or conditional approval of mining plans on lands containing leased Federal coal.

§ 746.10 Information collection.

The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0026. The information is being collected to determine compliance with Section 523 of the Act (30 U.S.C. 1273) and this Part. The obligation to respond to the information collection requirements of this Part is mandatory.

§ 746.11 General requirements.

(a) No person shall conduct surface coal mining and reclamation operations on lands containing leased Federal coal until the Secretary has approved the mining plan.

(b) No person shall conduct surface coal mining and reclamation operations on lands containing leased Federal coal except in accordance with a permit issued in accordance with this Subchapter and consistent with the approved mining plan.

§ 746.12 Supplementary information.

(a) The following supplementary information shall be included in permit application packages to facilitate compliance with Federal laws, regulations and orders other than the Act, as they relate to surface coal mining and reclamation operations on lands that are subject to the requirements of this Part:

(1) Data that can be used in conjunction with the information contained in the permit application to assist in preparation of documentation in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, including:

(i) Data that will assist in assessing the probable socio-economic impacts on the area affected by the proposed surface coal mining and reclamation operation; and

(ii) Data that will assist in assessing the scenic and aesthetic impacts on the area affected by the proposed surface coal mining and reclamation operations;

(2) Data concerning cultural and historical resources within the area affected by the proposed surface coal mining and reclamation operation that will assist in complying with the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 460, *et seq.;*

(3) Data concerning archaeological resources within the area affected by the proposed surface coal mining and reclamation operation that will assist in complying with the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470, *et seq.;*

(4) Data concerning fish and wildlife and their habitats located within the area affected by the proposed surface coal mining reclamation operations to assist in complying with the Fish and Wildlife Act of 1958, 16 U.S.C. 661, *et seq.;*

(5) Data concerning the air quality standards of the area affected by the proposed surface coal mining and reclamation operation, current air quality levels and the control technology to be used to mitigate any adverse impacts on the air quality resulting from the proposed surface coal mining and reclamation operation to determine compliance with the Clean Air Act, 42 U.S.C. 7401, *et seq.;* and

(6) Data concerning the existing quality of surface and ground water regimes and applicable State standards and control measures, to determine the probable cumulative hydrological impacts of all mining in the area affected by the proposed surface coal mining and reclamation operation in accordance with the Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*

(b) Where the State is the regulatory authority, it shall consult with the Office to determine the level of detail required to satisfy the requirements under 30 CFR 746.12(a).

§ 746.13 Decision document and recommendation on mining plan.

The Office shall prepare and submit to the Secretary a decision document recommending approval, disapproval or conditional approval of the mining plan to the Secretary. The recommendation shall be based, at a minimum, upon:

(a) The permit application package, including the resource recovery and protection plan;

(b) Information prepared in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.;*

(c) Documentation assuring compliance with the applicable requirements of other Federal laws, regulations and executive orders other than the Act;

(d) Comments and recommendations or concurrence of other Federal agencies, as applicable, and the public;

(e) The findings and recommendations of the Minerals Management Service with respect to the resource recovery and protection plan and other requirements of the lease and the Mineral Leasing Act;

(f) The findings and recommendations of the regulatory authority with respect to the permit application and the State program; and

(g) The findings and recommendations of the Office with respect to the additional requirements of this Subchapter.

§ 746.14 Approval of mining plan.

The Secretary shall approve, disapprove or conditionally approve the mining plan in accordance with this Part.

§ 746.17 Term of approval.

(a) Each mining plan approval shall cover the operations for which a complete permit application package was submitted, unless otherwise indicated in the approval.

(b) An approved mining plan shall remain in effect until modified, cancelled or withdrawn and shall be binding on any person conducting mining under the approved mining plan.

§ 746.18 Modification of Approved Mining Plans.

(a) Mining plan modifications shall be approved by the Secretary.

(b) The approval of mining plan modifications shall be in accordance with the procedures of this Part for mining plan approval.

(c) Surface coal mining and reclamation operations on Federal lands pursuant to a permit revision issued by the regulatory authority shall not commence until—

(1) The Office determines that the permit revision does not constitute a mining plan modification under this section, or

(2) If the permit revision constitutes a mining plan modification under this section, such modification has been approved by the Secrerary.

(d) Permit revisions constituting mining plan modifications if they meet any of the following criteria:

(1) Any change in a permit term which was included pursuant to Federal law other than SMCRA;

(2) Any change which would adversely affect the level of protection afforded any land, facility or place designated unsuitable for mining, alluvial valley floors, or prime farmlands;

(3) Any change in the location or amount of coal to be mined, except where such change is the result of:

(i) A minor change in the amount of coal actually available for mining from the amount estimated; or

(ii) An insignificant boundary change;

(4) Any change which would extend coal mining and reclamation operations onto leased Federal coal lands for the first time;

(5) Any change which requires the preparation of an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.;*

(6) Any change in the design specifications for the construction, modification or removal of structures which adversely affects the level of environmental protection or safety of the structure;

(7) Any change which results in a transfer, sale or assignment of rights granted under permits.

PARTS 741, 742, 743 AND 744 [REMOVED]

8. Parts 741, 742, 743 and 744 are removed.

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S. 2575 / Pub. L. 97-190 To extend the expiration date of section 252 of the Energy Policy and Conservation Act. (June 1, 1982; 96 Stat. 106) Price: $1.75.

S. 2535 / Pub. L. 97-191 To regulate the operation of foreign fish processing vessels within State waters. (June 1, 1982; 96 Stat. 107) Price: $1.75.

H.R. 4769 / Pub. L. 97-192 To recognize the organization known as the American Council of Learned Societies. (June 1, 1982; 96 Stat. 109) Price: $1.75.